

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Certiorari to Charleston County

Honorable Edgar W. Dickson, Circuit Court Judge

TIMOTHY JAMES WRIGHT,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-000969

APPENDIX

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	NINTH JUDICIAL CIRCUIT
COUNTY OF CHARLESTON	)	
	)	
State of South Carolina,	)	CASE NO. 2013-GS-10-03170
	)	2013-GS-10-03172
	)	
PLAINTIFF,	)	
	)	
VS.	)	TRANSCRIPT OF RECORD
	)	
Timothy James Wright,	)	
	)	
DEFENDANT.	)	

February 2-5, 2015

Charleston, South Carolina

B E F O R E:

The Honorable J. C. Buddy Nicholson, Jr., Judge; and Jury.

A P P E A R A N C E S:

Jennifer Shealy, Esquire
 Ted Corvey, Esquire
 For the Plaintiff

Ted Smith, Esquire
 Martha Kent Runey, Esquire
 For the Defense

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(DW) - DENOTES DEFENSE WITNESS

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1 (WHEREUPON, begin 11:45 a.m., February 2, 2015.)

2 MS. SHEALY: I gave to Mr. Smith a list of jurors that
3 other attorneys in our office knew, so that he had the
4 benefit of knowing that they have a relationship or know
5 some of the jurors.

6 THE COURT: Okay.

7 MS. SHEALY: In addition to that there is juror named
8 Robert Fontaine and I've advised Mr. Smith he ---

9 THE COURT: Are any of them on this list; have y'all
10 seen this short list?

11 MS. SHEALY: Oh, no.

12 THE COURT: Fontaine?

13 MS. SHEALY: Fontaine.

14 THE COURT: He is not part of the 50.

15 MS. SHEALY: Okay. Then ---

16 THE COURT: Do you want -- who are the others? Why
17 don't you just let me see. I will see if they are on the
18 list on the 50.

19 MS. SHEALY: I don't know that it gives rise to a, you
20 know ---

21 THE COURT: Well, I don't know either. I am just going
22 to see ---

23 MS. SHEALY: Okay.

24 THE COURT: --- if they are on the 50 or not.

25 (WHEREUPON, bench conference was had.)

1 THE COURT: All right. Do you want to put all this on
2 the record?

3 MS. SHEALY: Yes, just briefly, Your Honor. I had
4 handed previously to Mr. Smith a list of jurors who people
5 in our office had some familiarity with. I have provided it
6 to him. We've just at the bench compared it to the list
7 that we have to draw amongst and only one person off of the
8 list that had been prepared by her office is actually on our
9 list. And ---

10 THE COURT: And that is Stephen Osborne, Juror Number
11 two -- 277.

12 MS. SHEALY: And just for the record, Lauren Mulkey in
13 our office lives on his street but does not know him. So he
14 is remaining on the panel.

15 THE COURT: And then the public defender revealed some
16 information about Melinda H. Hamilton, Juror Number 165; is
17 that correct?

18 MR. SMITH: That is correct, Your Honor. She is a
19 friend with a person in our office and had communicated with
20 them about another matter and in the course of that we
21 learned -- that attorney learned that she was a juror, and
22 so we have no objection to her being removed from this case.

23 THE COURT: I will excuse Juror Number 165 off of this.
24 She is -- she is on -- actually on the 50 that is coming.

25 MS. SHEALY: And the only other matter I have advised

1 Mr. Smith about ---

2 THE COURT: And the bailiff -- the gentleman sitting
3 there on the right, I don't -- he is not a juror is he?

4 THE BAILIFF: No, sir ---

5 MS. SHEALY: He is our investigator.

6 THE COURT: Well, then tell him to move. He is sitting
7 where the jury is going to sit.

8 INVESTIGATOR: I am just trying to get a pass, Your
9 Honor, for a witness. I apologize. I just didn't want to
10 walk while you are talking.

11 THE COURT: All right. Go ahead.

12 MS. SHEALY: There may be a few members -- I guess I --
13 I guess I need to check the names that are on there that may
14 have some relationship to Mr. Wright, some family
15 relationship. I think your question may ---

16 THE COURT: Well, if -- let me deal with it this way:
17 When I ask the question if those people don't respond then
18 stand up and we will deal with it at the bench and I will
19 bring them up here ---

20 MS. SHEALY: Okay.

21 THE COURT: --- and ask them questions in private. Now
22 you've tried cases -- I think both of you have. It depends
23 on the question and the person. I will occasionally bring
24 them up here and talk to them in private.

25 MS. SHEALY: Right.

1 THE COURT: And if these folks don't respond to it,
2 just let me know and we will bring them up here and talk to
3 them privately; okay.

4 MS. SHEALY: Okay. And are you going to do that with
5 people who may stand up and say they have been victims of a
6 crime, allow them to come up to the bench?

7 THE COURT: I don't know. It just depends on the
8 situation, okay.

9 MS. SHEALY: Okay.

10 THE COURT: Now let me say this to the two of you. If
11 somebody stands on a question that you feel like we need to
12 deal with in private just stand up and let me know and we
13 will bring them up here, okay.

14 MS. SHEALY: Okay. Thank you.

15 THE COURT: All right.

16 MR. SMITH: Thank you, Your Honor.

17 THE COURT: Is there anything else before we bring in
18 the jury panel?

19 MS. SHEALY: No, sir, Your Honor.

20 MR. SMITH: No, Your Honor.

21 THE COURT: Have we got them? Bring them on in.

22 (WHEREUPON, jury panel entered the courtroom 11:53 a.m.)

23 THE COURT: All right. Do we have everybody?

24 THE BAILIFF: Yes, sir.

25 THE COURT: All right. Thank you very much. Ladies

1 and gentlemen of the jury, I am Judge Nicholson. We are
2 going to be drawing a jury in the case of The State versus
3 Timothy James Wright.

4 Mr. Wright was charged with murder and possession of a
5 firearm during the commission of a violent crime. Now these
6 are indictments. This occurred on February the 16th, 2013.
7 And the victim in the case is a Melinda Ford.

8 These indictments are not evidence. They are merely a
9 means by which the State brings the defendant before the
10 court for trial. You are not to consider them in any
11 fashion as to the innocence or guilt of the defendant. They
12 are just merely to be, as I said, the procedure by which the
13 defendant is brought before the court for trial.

14 Now I'm going to ask you some questions. And if the
15 question is applicable to you, I'm going to ask you to
16 stand, give me your name and your juror number.

17 The first thing I'm going to do is call out a list of
18 about it looks like about 44 names. And I'm going to
19 basically ask you the same question about each person: Do

20 you know the individual or are you related by blood or
21 marriage or have you had any other type of contact with the
22 individual.

23 And when I say marriages I am talking about past
24 marriages. I have had some jurors that we've found out
25 after the fact that they were divorced, some witnesses, and

1 that didn't reveal it. So I am talking about past
2 marriages, present marriages, and any future marriage if it
3 is on the horizon for you.

4 The first name is Kendle Deas. Is anybody related by
5 blood or marriage to Kendle Deas or does anybody know or had
6 any contact with Kendle Deas; if so, please stand.

7 (WHEREUPON, there was no response.)

8 The next name is Joseph Grant. Is anybody related by
9 blood or marriage or does anybody know Joseph Grant; if so,
10 please stand.

11 (WHEREUPON, there was no response.)

12 The next name is Kadasha J. Is anybody
13 related by blood or marriage or does anybody know Kadasha J.
14 ; if so, please stand.

15 (WHEREUPON, there was no response.)

16 MS. SHEALY: And, Your Honor, he actually pronounces
17 that Ka-day-sha (ph) in case ---

18 THE COURT: Ka-day-sha (ph). Okay.

19 MS. SHEALY: Kadasha.

20 THE COURT: Kadasha J. If anybody knows her or
21 related to her, please stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: The next name is Ms. Tomeka Smalls. Is
24 Tomeka in the courtroom?

25 MS. SHEALY: No, Your Honor.

1 THE COURT: Is anybody related by blood or marriage or
2 does anybody know Tomeka Smalls; if so, please stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: The next name is Charles ---

5 POTENTIAL JUROR: I am familiar with that name.

6 THE COURT: What is your name first, ma'am?

7 POTENTIAL JUROR: Helen.

8 THE COURT: Do you know your jury number?

9 POTENTIAL JUROR: Two, nine, three.

10 THE COURT: All right. Let me find you. Helen Reid,
11 Juror 293. Yes, ma'am.

12 POTENTIAL JUROR: I think she worked with the school
13 system maybe in the human resources department. I -- you
14 know, I can't -- she is not someone I worked with closely,
15 but I know I have done some email ---

16 THE COURT: You recognize the name; is that correct?

17 POTENTIAL JUROR: Yes.

18 THE COURT: Do you work with the school system?

19 POTENTIAL JUROR: I do.

20 THE COURT: Solicitor, is this the same person; does
21 she work in the school system?

22 MS. SHEALY: I don't think so. This -- this individual
23 works for Kangaroo Convenience Stores.

24 THE COURT: All right. So I think it is a different
25 person, okay.

1 POTENTIAL JUROR: Thank you.

2 THE COURT: But thank you for standing, Mr. Reid.

3 The next name is Charles Lawrence who is a former
4 detective with Charleston County Sheriff's Office. Is
5 anybody related by blood or marriage or does anybody know
6 Charles Lawrence; if so, please stand.

7 (WHEREUPON, there was no response.)

8 THE COURT: The next name is Roosevelt Murray. Is
9 anybody related by blood or marriage or does anybody know
10 Roosevelt Murray; if so, please stand.

11 (WHEREUPON, there was no response.)

12 THE COURT: The next name is Shirley Ann Jenkins. Is
13 anybody related or anybody know Shirley Jenkins; if so,
14 please stand.

15 (WHEREUPON, there was no response.)

16 THE COURT: The next name is Iris Pinkney Frasier. Is
17 anybody related by blood or marriage or does anybody know
18 Iris Frasier; if so, please stand.

19 (WHEREUPON, there was no response.)

20 THE COURT: The next name is Tymia "Mimi" Davis. Is
21 anybody related by blood or marriage or does anybody know
22 Tymia "Mimi" Davis; if so, please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: The next name is Desmond -- Desmona Brown
25 Cayruth. Is anybody related by blood or marriage or does

1 anybody know Demona Cayruth; if so, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: The next name is Vernell Brown. Is anybody
4 related by blood or marriage or does anybody know Vernell
5 Brown; if so, please stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: Next name is Chrisshon Ford.

8 MS. SHEALY: And she is present, Your Honor. Would you
9 like for me to have her stand?

10 THE COURT: Yes, please. All right. Ms. Ford is
11 standing facing the jury.

12 You may have a seat. Is anybody related by blood or
13 marriage to Chrisshon Ford; if so, please stand or does
14 anybody know Chrisshon Ford would stand.

15 (WHEREUPON, there was no response.)

16 THE COURT: The next name is Kate Ford. Is anybody
17 related by blood or marriage or does anybody know Kate Ford;
18 if so, please stand.

19 ~~(WHEREUPON, there was no response.)~~

20 THE COURT: The next name is Leonard Maxwell. Is
21 anybody related by blood or marriage or does anybody know
22 Leonard Maxwell; if so, please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: The next name is Adeline Wright. Is
25 anybody related by blood or marriage or does anybody know

1 Adeline right; if so, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: The next name is Darren Ravenel. Is
4 anybody related by blood or marriage or does anybody know
5 Mr. Ravenel; if so, please stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: The next name is Paul Miscuraca. Is
8 anybody related by blood or marriage or does anybody know
9 Paul Miscuraca; if so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: The next name is Jeff Phillips, Charleston
12 County Sheriff's Office. Is anybody related by blood or
13 marriage or know Jeff Phillips; if so, please stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: The next name is Matthew Cogburn.

16 MS. SHEALY: Colburn.

17 THE COURT: Colburn. Matthew Colburn, Charleston
18 County Sheriff's Office. If anybody related by blood or
19 marriage or does anybody know Matthew Colburn; if so, please
20 stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: The next name is Sheri Church, Charleston
23 County Sheriff's Office. Is anybody related by blood or
24 marriage or does anybody know Sheri Church?

25 (WHEREUPON, there was no response.)

1 THE COURT: The next name is Delmar Powell, Charleston
2 County Sheriff's Office. Is anybody related by blood or
3 marriage or does anybody know Delmar Powell; if so, please
4 stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: The next name is Mark Watson, Charleston
7 County Sheriff's Office. Is anybody related by blood or
8 marriage or does anybody know Mark Watson; if so, please
9 stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: The next name is Adam Midgett. Is anybody
12 related by blood or marriage or does anybody know Adam
13 Midgett; if so, please stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: The next name is Rickey B. Craver. Is
16 anybody related by blood or marriage or does anybody know
17 Rickey B. Craver who also works for Charleston County
18 Sheriff's Office; if so, please stand.

19 ~~(WHEREUPON, there was no response.)~~

20 THE COURT: The next name is Barry Goldstein,
21 Charleston County Sheriff's Office. Is anybody related by
22 blood or marriage or does anybody know Mr. Goldstein who is
23 standing in front of the jury at this time; if so, please
24 stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Thank you, Mr. Goldstein.

2 The next name is Julius Alexander, Charleston County
3 Sheriff's Office. Is anybody related by blood or marriage;
4 if so, please stand.

5 (WHEREUPON, there was no response.)

6 THE COURT: The next name is Kathy Kjellman. Is that
7 correct, Jell-man (ph)?

8 MS. SHEALY: Chell-man (ph).

9 THE COURT: Kjellman. Kathy Kjellman, Charleston
10 County Sheriff's Office. Is anybody related by blood or
11 marriage or does anybody know Kathy Kjellman; if so, please
12 stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: The next name is Jim Phillips, Charleston
15 County Sheriff's Office. Is anybody related by blood or
16 marriage or does anybody know Jim Phillips; if so, please
17 stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: The next name is Thomas Buckhannon. Is
20 anybody related by blood or marriage or does anybody know
21 Thomas Buckhannon who works Charleston County Sheriff's
22 Office; if so, please stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: The next name is Al Hallman, North
25 Charleston Police Department. Is anybody related by blood

1 or marriage or does anybody know Al Hallman; if so, please
2 stand.

3 (WHEREUPON, there was no response.)

4 THE COURT: The next name is Jennifer Barman, works at
5 SLED, South Carolina Law Enforcement Division in Columbia.
6 Is anybody related by blood or marriage or does anybody know
7 Jennifer Barman; if so, please stand.

8 (WHEREUPON, there was no response.)

9 THE COURT: The next name is James Green who works for
10 SLED. Is anybody related by blood or marriage or does
11 anybody know James Green?

12 (WHEREUPON, there was no response.)

13 THE COURT: The next name is Whitney Berry of SLED.
14 Does anybody know Whitney Berry or is anybody related to
15 Whitney Berry; if so, please stand.

16 (WHEREUPON, there was no response.)

17 THE COURT: The next name is Nicholas Nance who works
18 at EMS here in Charleston. Is anybody related by blood or
19 marriage or does anybody know Nicolas Nance?

20 (WHEREUPON, there was no response.)

21 THE COURT: The next name is Patrick Murphy also of
22 EMS. Is anybody related by blood or marriage or does
23 anybody know Patrick Murphy; if so, please stand.

24 (WHEREUPON, potential juror raises hand.)

25 THE COURT: Don't raise your hand; stand. Don't you

1 know the difference? There is a difference between standing
2 and raising your hand.

3 Yes, sir, the gentleman in the uniform, what is your
4 name?

5 POTENTIAL JUROR: Matthew Townsend, 354.

6 THE COURT: Three fifty-four. Yes, sir, Mr. Townsend.

7 POTENTIAL JUROR: I know Mr. Murphy prior with EMS
8 Charleston County. I went to Mt. Pleasant Fire, and I see
9 him off and on. He will come to the Medic 5 which is in our
10 station.

11 THE COURT: All right. Do you see him outside the work
12 environment?

13 POTENTIAL JUROR: Sometimes. But not as much.

14 THE COURT: Whereabouts do you see him?

15 POTENTIAL JUROR: Like just out and about. Like I
16 don't necessarily like hang out or anything like that. It
17 is just if I see him I know him face-to-face, first name
18 basis.

19 THE COURT: Okay. How long have you know him Mr.
20 Mur- -- Mr. Murphy how long have you known Mr. Murphy?

21 POTENTIAL JUROR: Probably about three years.

22 THE COURT: All right. Assuming he testifies in this
23 case would that cause you any difficulty in sitting on this
24 jury?

25 POTENTIAL JUROR: No, sir.

1 THE COURT: Can you be fair and impartial to both the
2 State and the defendant?

3 POTENTIAL JUROR: Yes, sir.

4 THE COURT: All right. Thank you, Mr. Townsend.
5 Yes, sir, your name?

6 POTENTIAL JUROR: Michael Obrien, 274.

7 THE COURT: Yes, sir, Mr. Obrien, who do you know?

8 POTENTIAL JUROR: I am a firefighter and paramedic with
9 St. Andrews Fire Department where he was stationed. He was
10 stationed at Medic 3. I know him only through work.

11 THE COURT: How long ago was that?

12 POTENTIAL JUROR: I've known him no longer than a year.
13 And I only know of him.

14 THE COURT: Do you see him outside of the work
15 environment?

16 POTENTIAL JUROR: No, sir.

17 THE COURT: Would that cause you any difficulty sitting
18 on the jury assuming he testifies? Yes or no?

19 POTENTIAL JUROR: No.

20 THE COURT: All right. Thank you, Mr. Obrien.
21 Yes, ma'am, your name.

22 POTENTIAL JUROR: Erin Boyd, Juror 31.

23 THE COURT: Yes, ma'am, Ms. Boyd.

24 POTENTIAL JUROR: I apologize; this is actually the
25 last one. Nick Nance he is a former coworker.

1 THE COURT: I'm sorry, what?

2 POTENTIAL JUROR: The former one, Nick Nance, was a
3 former coworker.

4 THE COURT: Nicholas Nance, you know him?

5 POTENTIAL JUROR: Yes.

6 THE COURT: All right. Where do you know him from?

7 POTENTIAL JUROR: He was a former coworker of
8 Charleston County EMS.

9 THE COURT: How long ago was that?

10 POTENTIAL JUROR: Sometime during 2004 or 2006.

11 THE COURT: Have you seen him since then?

12 POTENTIAL JUROR: No.

13 THE COURT: Did you see him outside of the work
14 environment when he was there and you were there?

15 POTENTIAL JUROR: No.

16 THE COURT: Would that cause you any problem sitting on
17 this jury assuming he testifies?

18 POTENTIAL JUROR: It should not.

19 THE COURT: Thank you so very much.

20 All right. The next name is Matt Adam also of EMS.
21 Anybody know Matt Adams or related to Matt Adams; if so,
22 please stand.

23 POTENTIAL JUROR: My name is Christen Hightower. I am
24 Juror 177.

25 THE COURT: Hold on. Let me find you. Christen

1 Hightower, Juror Number 177. Yes, ma'am.

2 POTENTIAL JUROR: I went to high school with Matthew
3 Adams.

4 THE COURT: Have you seen him since high school?

5 POTENTIAL JUROR: I have.

6 THE COURT: Do you see him on a frequent basis?

7 POTENTIAL JUROR: No, I do not.

8 THE COURT: How often do you see him?

9 POTENTIAL JUROR: It's probably been a few years.

10 THE COURT: Where do you see him?

11 POTENTIAL JUROR: He is friends with a cousin of mine.
12 And just when I have been around my cousin I have seen him.

13 THE COURT: Assuming he testifies in this case would
14 that cause you any problems in sitting on this jury, Ms.
15 Hightower?

16 POTENTIAL JUROR: No, sir.

17 THE COURT: Can you be fair and impartial to both the
18 State and the defendant?

19 POTENTIAL JUROR: Yes, sir.

20 THE COURT: All right. Thank you, Ms. Hightower.
21 Yes, sir?

22 POTENTIAL JUROR: Matt Townsend, 354. Same as the
23 last. I do see him occasionally. But when he left
24 Charleston County I don't see him.

25 THE COURT: How long ago did he leave, Mr. Townsend?

1 POTENTIAL JUROR: I think it was just recently within
2 the past year.

3 THE COURT: Okay. Do you see him outside of work?

4 POTENTIAL JUROR: No, sir.

5 THE COURT: All right. Would that cause you any
6 difficulty sitting on this jury assuming he testifies?

7 POTENTIAL JUROR: No, sir.

8 THE COURT: All right. Thank you, Mr. Townsend.

9 All right. The next name is Candace Craggs. Does she
10 pronounce it Craggs?

11 MS. SHEALY: Oh, I'm sorry. I'm sorry, Judge.

12 THE COURT: Is it Candace Craggs, is that how ---

13 MS. SHEALY: Craggs, Craggs.

14 THE COURT: Cragg -- Cragg. Candace Craggs works at
15 Charleston County Detention Center. Is anybody related by
16 blood or marriage or know Candace Craggs; if so, please
17 stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: The next name is David Owen, Charleston
20 County Sheriff's Office. Is anybody related by blood or
21 marriage or does anybody know David Owen; if so, please
22 stand.

23 (WHEREUPON, there was no response.)

24 THE COURT: Schandl. The next name is Cynthia Schandl.
25 Works at MUSC. Is anybody related by blood or marriage or

1 does anybody know Cynthia Schandl; if so, please stand.

2 (WHEREUPON, potential juror stands.)

3 THE COURT: Yes, ma'am, your name?

4 POTENTIAL JUROR: Barbara Showers, Juror 325.

5 THE COURT: Three twenty-five. Yes, ma'am, Ms.

6 Showers.

7 POTENTIAL JUROR: She has been an expert witness for
8 me. I've done depositions with that witness. But I don't
9 see her on a personal basis.

10 THE COURT: What kind of expert witness was she?

11 POTENTIAL JUROR: She is a pathology expert.

12 THE COURT: Okay. And you have used her several
13 occasions?

14 POTENTIAL JUROR: Yes, sir.

15 THE COURT: Would that cause you any difficulty
16 assuming she testifies in this case?

17 POTENTIAL JUROR: It would not cause me any difficulty.

18 THE COURT: Can you be fair and impartial to both the
19 State and the defendant?

20 POTENTIAL JUROR: Absolutely.

21 THE COURT: All right. Thank you very much, Ms.
22 Showers.

23 The next name is Kevin Sherbine, Charleston County
24 Detention Center. Is anybody related by blood or marriage
25 to Kevin Sherbine; if so, please stand or if you know Shevin

1 Kerbine -- Sherbine, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: The next name is Ethel Wright. Is anybody
4 related by blood or marriage or does anybody know Ethel
5 Wright; if so, please stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: The next name is Nori Banks. Is anybody
8 related by blood or marriage or does anybody know Nori
9 Banks; if so, please stand.

10 (WHEREUPON, there was no response.)

11 THE COURT: The next name is Renada Bradley. Is
12 anybody related by blood or marriage or does anybody know
13 Renada Bradley; if so, please stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: The next name is Latasha Wright. Is
16 anybody related by blood or marriage or does anybody know
17 Latasha Wright; if so, please stand.

18 (WHEREUPON, there was no response.)

19 THE COURT: Mr. Timothy James Wright would you please
20 stand and face the jury, please, sir.

21 (WHEREUPON, Mr. Wright stood.)

22 THE COURT: Thank you very much, Mr. Wright. Does
23 anybody know Mr. Timothy Wright or is anybody related by
24 blood or marriage to Timothy Wright; if so, please stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Solicitor Shealy, if you will stand and
2 introduce yourself, please.

3 MS. SHEALY: Yes, Your Honor.

4 Good morning. My name is Jennifer Neese Shealy. I am
5 an assistant solicitor in the solicitor's office here in
6 Charleston County. And this is my co-counsel, Ted Corvey.
7 And then you have been introduced to Barry Goldstein who is
8 the lead detective in the case.

9 THE COURT: Thank you very much.

10 MS. SHEALY: Thank you.

11 THE COURT: Does any member of the jury panel know
12 Jennifer Shealy, Ted Corvey or anyone else or are you close
13 friends with anyone in the solicitor's office either here in
14 Charleston County or Berkeley County; if so, please stand.
15 (WHEREUPON, there was no response.)

16 THE COURT: Mr. Smith, would you stand and introduce
17 yourself, please.

18 MR. SMITH: Thank you. My name is Ted Smith. I am an
19 ~~assistant public defender here in Charleston County. With~~
20 me is my co-counsel Martha Kent Runey. She is also an
21 assistant public defender.

22 THE COURT: Thank you very much. Does any member of
23 the jury panel know Mr. Smith or Ms. Runey or have any close
24 personal friends that work in the public defender's office
25 here in Charleston County or Berkeley County; if so, please

1 stand.

2 (WHEREUPON, potential juror stood.)

3 THE COURT: Yes, ma'am.

4 POTENTIAL JUROR: Juror 165, Melinda Hamilton.

5 THE COURT: What is -- I'm sorry?

6 POTENTIAL JUROR: Melinda Hamilton, 165.

7 THE COURT: Juror Number 165?

8 POTENTIAL JUROR: Right.

9 THE COURT: Okay. Thank you.

10 POTENTIAL JUROR: Jerry Mansoti is a very close friend
11 of mine.

12 THE COURT: You know somebody in the solicitor's
13 office?

14 POTENTIAL JUROR: Yes.

15 THE COURT: Yes, ma'am. You can have a seat. That is
16 a good birthday, October the 30th -- my -- September 30th,
17 excuse me. Mine too, September 30th.

18 Has any member of the jury panel or member of your
19 family ever had any criminal charges handled by the
20 Charleston County Solicitor's Office or adjudicated by the
21 Charleston County Solicitor's Office; if so, please stand.

22 (WHEREUPON, there was no response.)

23 THE COURT: Has any member of the jury panel previously
24 been a witness in a civil or a criminal case; if so, please
25 stand.

1 THE COURT: How long ago?
2 POTENTIAL JUROR: 2006.
3 THE COURT: Was it here or where?
4 POTENTIAL JUROR: Charleston County.
5 THE COURT: Where?
6 POTENTIAL JUROR: Charleston County.
7 THE COURT: Whereabouts; what court; what building; was
8 it in this building?
9 POTENTIAL JUROR: This building.
10 THE COURT: In this building?
11 POTENTIAL JUROR: Yes.
12 THE COURT: Would that cause you any difficulty in
13 sitting on this jury?
14 POTENTIAL JUROR: None.
15 THE COURT: All right. Thank you, Ms. Boyd.
16 MS. SHEALY: Your Honor, may we approach for a second?
17 THE COURT: Yes, ma'am.
18 (WHEREUPON, bench conference had at 12:14 p.m.)
19 ~~THE COURT: Ms. Boyd, will you come around please~~
20 ma'am -- just hang on a second, Ms. Boyd. I will deal with
21 you. Let me deal with these other people standing up real
22 quick. I will bring her up.
23 MS. SHEALY: Okay. Thank you.
24 THE COURT: All right. Let me see.
25 (WHEREUPON, Juror 325 approached.)

1 POTENTIAL JUROR: Me again, 325.

2 THE COURT: Ms. Showers?

3 POTENTIAL JUROR: Yes, sir.

4 THE COURT: Yes, ma'am.

5 POTENTIAL JUROR: I was just -- I was just a witness.

6 I gave a deposition in a car wreck case out of town. It was
7 out of state.

8 THE COURT: Okay.

9 POTENTIAL JUROR: And that was about 10 years ago.

10 THE COURT: Okay. Thank you very much. Anybody else?

11 All right. Ms. Boyd, if you will come around up front,
12 please, ma'am.

13 (WHEREUPON, potential juror at bench conference as follows:)

14 THE COURT: I understand you are a physician's
15 assistant.

16 POTENTIAL JUROR: Correct.

17 THE COURT: How long have you been a physician's
18 assistant?

19 POTENTIAL JUROR: Six years.

20 THE COURT: Six years?

21 POTENTIAL JUROR: Yes.

22 THE COURT: And you testified in an attempted murder
23 case, about six years?

24 POTENTIAL JUROR: No, when I was a paramedic with
25 Charleston County EMS.

1 THE COURT: When you were a paramedic in an attempted
2 murder case; but did you testify on behalf of the State or
3 the defense?

4 POTENTIAL JUROR: It would be

5 THE COURT: Who called you, the solicitor of the
6 defense counsel?

7 POTENTIAL JUROR: It must have been the solicitors.

8 THE COURT: The solicitor called you?

9 POTENTIAL JUROR: He was defending the patient that we
10 transported.

11 THE COURT: It was concerning a patient you
12 transported?

13 POTENTIAL JUROR: Correct.

14 THE COURT: And the solicitor called you?

15 POTENTIAL JUROR: Correct.

16 THE COURT: Okay.

17 POTENTIAL JUROR: Well, I don't know who the lawyer
18 that called me.

19 THE COURT: Huh?

20 POTENTIAL JUROR: I can't remember.

21 THE COURT: You can't remember?

22 POTENTIAL JUROR: It was a lawyer. I know that.

23 THE COURT: Do you remember what you testified about?

24 POTENTIAL JUROR: His injuries.

25 THE COURT: The type of injuries he had?

1 POTENTIAL JUROR: Yes.

2 THE COURT: Do you remember what those injuries were?

3 POTENTIAL JUROR: Yes, he had an evisceration of his
4 abdomen.

5 THE COURT: Had a laceration?

6 POTENTIAL JUROR: Evisceration, so yes a laceration
7 that we were treating.

8 THE COURT: Okay. And that is what you testified to?

9 POTENTIAL JUROR: Yes.

10 THE COURT: Okay. Any further questions from the
11 State?

12 MS. SHEALY: No thank you.

13 THE COURT: Any from the defendant?

14 MR. SMITH: No, Your Honor.

15 THE COURT: Thank you so very much. You may go have a
16 seat.

17 POTENTIAL JUROR: You are very welcome.

18 THE COURT: Any motions?

19 MS. SHEALY: No, Your Honor.

20 MR. SMITH: No, Your Honor.

21 THE COURT: Okay.

22 (WHEREUPON, bench conference concluded.)

23 THE COURT: Is there any member of the jury panel that
24 would have a problem following the law as the court cites it
25 to you even if you may believe it is inappropriate or

1 unfair; if you have that belief, please stand.

2 (WHEREUPON, there was no response.)

3 THE COURT: Is there any member of the jury panel that
4 has a religious convictions, philosophy or moral beliefs or
5 political orientations that would make it difficult for you
6 to sit in judgment of another person; if you believe that,
7 please stand.

8 (WHEREUPON, potential juror stood.)

9 THE COURT: Yes, ma'am, your name?

10 POTENTIAL JUROR: Carla Manigault.

11 THE COURT: What number?

12 POTENTIAL JUROR: Two twenty-six.

13 THE COURT: All right. Ms. Manigault, if you will come
14 around, please, ma'am.

15 (WHEREUPON, bench conference as follows:)

16 THE COURT: Ms. Manigault, how are you doing today?

17 POTENTIAL JUROR: I am doing okay.

18 THE COURT: You are doing okay?

19 POTENTIAL JUROR: Yes.

20 THE COURT: Tell me -- tell me on what basis you feel
21 like you shouldn't serve on the jury.

22 POTENTIAL JUROR: My sister was murdered.

23 THE COURT: Pardon?

24 POTENTIAL JUROR: My sister was murdered in 2009.

25 THE COURT: Your sister was murdered when?

1 POTENTIAL JUROR: 2009.

2 THE COURT: 2009. Was there a trial involved or ---

3 POTENTIAL JUROR: No, they had a plea agreement in
4 2010.

5 THE COURT: So the defendant pled guilty?

6 POTENTIAL JUROR: Right. She died.

7 THE COURT: All right. Do you think that would affect
8 you sitting on this jury?

9 POTENTIAL JUROR: I wouldn't want to hear it.

10 THE COURT: You don't think you could sit and listen to
11 it?

12 POTENTIAL JUROR: Huh-uh.

13 THE COURT: Okay. Because of your sister?

14 POTENTIAL JUROR: Uh-huh.

15 THE COURT: You think you -- you don't think you could
16 be fair because of that?

17 POTENTIAL JUROR: I don't even want to hear it.

18 THE COURT: I know you don't want to hear it. Nobody
19 likes to hear it. But that is not the issue.

20 POTENTIAL JUROR: I wouldn't ---

21 THE COURT: I know ---

22 POTENTIAL JUROR: I would not even listen.

23 THE COURT: I sometimes don't like to hear it.

24 POTENTIAL JUROR: No. I don't want to -- like I say, I
25 do not want to hear it.

1 THE COURT: How would that affecting you in making a
2 decision?

3 POTENTIAL JUROR: I wouldn't even listen.

4 THE COURT: Pardon?

5 POTENTIAL JUROR: I would not even listen.

6 THE COURT: You would not even listen to it?

7 POTENTIAL JUROR: No.

8 THE COURT: You would just shut it off?

9 POTENTIAL JUROR: Yes.

10 THE COURT: Okay. You can go have a sit. Thank you
11 very much.

12 (WHEREUPON, potential juror returned to her seat and bench
13 conference continued.)

14 THE COURT: All right. Any motions?

15 MS. SHEALY: Yes, that she be removed.

16 MR. SMITH: Yes.

17 THE COURT: You consent to the motion?

18 MR. SMITH: I do consent.

19 ~~THE COURT: She said she would turn it off and wouldn't~~
20 listen.

21 MR. SMITH: Yes.

22 THE COURT: Okay. I will strike her for cause.

23 (WHEREUPON, bench conference concluded.)

24 THE COURT: Does any member of the jury panel have any
25 relatives or close friends in prison; if so, please stand.

1 (WHEREUPON, there was no response.)

2 THE COURT: Is any member of the jury panel or close
3 friend or member of the family been charged with a crime
4 against a family member or romantic partner; if so, please
5 stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: All right. Is there any member of the jury
8 panel ever had unpleasant experience with law enforcement
9 where you feel like you cannot be fair in this case -- and I
10 am not talking about speeding tickets. Nobody likes
11 speeding tickets. If anybody has had a very unpleasant
12 experience with law enforcement where you don't think you
13 can be fair in this case, please stand.

14 (WHEREUPON, there was no response.)

15 THE COURT: Has any member of the jury panel or a
16 member of their immediate family or close personal friends
17 been employed by law enforcement agencies; if so, please
18 stand.

19 (WHEREUPON, potential juror stood.)

20 THE COURT: Yes, ma'am, your name?

21 POTENTIAL JUROR: I am Juror 239, Michaela McIntosh.

22 THE COURT: Yes, ma'am, Ms. McIntosh. Who is employed?

23 POTENTIAL JUROR: I have a son.

24 THE COURT: Where?

25 POTENTIAL JUROR: State trooper in Pennsylvania.

1 THE COURT: How long has he been employed there?

2 POTENTIAL JUROR: I have lost track of the years. But
3 it is been a good number of years that he

4 THE COURT: What does he actually do in law
5 enforcement?

6 POTENTIAL JUROR: May I approach?

7 THE COURT: Yes, ma'am. Come on around.

8 Let me say this to the whole panel. If any of these
9 questions you want to talk to me in private just ask to come
10 up front and I will be happy to bring you up front and talk
11 to you in private.

12 (WHEREUPON, potential juror approached for bench conference
13 as follows:)

14 THE COURT: He is undercover, state employee, in vice;
15 and he is involved in multi-state investigations.

16 THE COURT: All right. Let me ask you this: How would
17 that affect you sitting on this jury?

18 POTENTIAL JUROR: Oh, it probably wouldn't.

19 ~~THE COURT: I need something other than probably. Can~~
20 you be fair? Can you be fair ---

21 POTENTIAL JUROR: It is a case involving -- yes, I can
22 be fair.

23 THE COURT: You think you can?

24 POTENTIAL JUROR: Yes.

25 THE COURT: Do you think you can set aside the

1 relationship with your son and his job and be fair?

2 POTENTIAL JUROR: Yes. When I heard it I am going to
3 be listening.

4 THE COURT: Can you base your decision on what you hear
5 in the courtroom?

6 POTENTIAL JUROR: Absolutely.

7 THE COURT: Not on your relationship with your son?

8 POTENTIAL JUROR: Absolutely.

9 THE COURT: Okay. All right. Go have a seat.

10 (WHEREUPON, Juror 239 returned to her seat and bench
11 conference continued as follows:)

12 THE COURT: Y'all may not have heard what she said.
13 She said her son was involved in undercover work and she
14 didn't want to stand up in court and say that, okay.

15 MS. SHEALY: Okay.

16 (WHEREUPON, bench conference concluded.)

17 THE COURT: Has any member of the jury panel or your
18 relatives or close personal friends been in a violent,
19 domestic situation; if so, please stand.

20 (WHEREUPON, there was no response.)

21 THE COURT: Has ---

22 (WHEREUPON, potential juror stood.)

23 THE COURT: Yes, ma'am, your name.

24 POTENTIAL JUROR: Robin Elsmore.

25 THE COURT: What number?

1 POTENTIAL JUROR: One twelve.

2 THE COURT: One twelve. Do you want to come around up
3 front, please, ma'am.

4 POTENTIAL JUROR: Thank you.

5 (WHEREUPON, another potential juror stood.)

6 THE COURT: Yes, ma'am, you can stand right there.
7 Come up here, Ms. Elmore.

8 POTENTIAL JUROR: Oh.

9 THE COURT: I was telling the other lady ---

10 POTENTIAL JUROR: Oh, okay.

11 THE COURT: --- she can come around and stand.

12 (WHEREUPON, bench conference was had as follows:)

13 THE COURT: Yes, ma'am, I don't want to embarrass you
14 or cause you any problems, but tell me what type of
15 situation you were involved in.

16 POTENTIAL JUROR: It is actually my brother-in-law.

17 THE COURT: It was your brother-in-law.

18 POTENTIAL JUROR: My brother-in-law and his wife.

19 THE COURT: All right. What happened?

20 POTENTIAL JUROR: He was convicted of CVD.

21 THE COURT: CDV?

22 POTENTIAL JUROR: CD- -- yeah. Something like that.

23 THE COURT: Criminal domestic violence?

24 POTENTIAL JUROR: Yes.

25 THE COURT: How long ago was it?

1 POTENTIAL JUROR: Four -- four years.

2 THE COURT: Four years. Did he go to jail or ...?

3 POTENTIAL JUROR: He went to -- they took him overnight
4 and then he did an anger management class or something.

5 THE COURT: Did they stay together or did they
6 separate?

7 POTENTIAL JUROR: Times they are together.

8 THE COURT: How are they doing now?

9 POTENTIAL JUROR: (No response.)

10 THE COURT: You don't know?

11 POTENTIAL JUROR: I -- I don't think they do well.

12 But ---

13 THE COURT: Okay.

14 POTENTIAL JUROR: --- that is my perception.

15 THE COURT: I understand. We all have our perceptions,
16 you know.

17 POTENTIAL JUROR: Uh-huh.

18 THE COURT: How -- how would that affect you in this
19 particular case or would it?

20 POTENTIAL JUROR: I don't ---

21 THE COURT: I know you don't know anything about it,
22 but do you have any lingering effects of your -- did he beat
23 your sister?

24 POTENTIAL JUROR: No, it is my brother-in-law.

25 THE COURT: Oh, your brother-in-law. Did your

1 brother -- it's your brother-in-law. Did he beat the wife
2 or ...?

3 POTENTIAL JUROR: I don't think he did, but that was my
4 personal ---

5 THE COURT: You don't think he did?

6 POTENTIAL JUROR: No.

7 THE COURT: All right. So you think she ---

8 POTENTIAL JUROR: It is a long story.

9 THE COURT: You think she trumped up the charges?

10 POTENTIAL JUROR: Yes. And she got a nose job.

11 THE COURT: Was she -- was she -- did she go to family
12 court in it at all?

13 POTENTIAL JUROR: Yeah, they did have to go.

14 THE COURT: Family court?

15 POTENTIAL JUROR: To family court.

16 THE COURT: And she got a nose job?

17 POTENTIAL JUROR: Uh-huh.

18 THE COURT: Is that what the fight was about, the nose
19 job?

20 POTENTIAL JUROR: No, that was after.

21 THE COURT: How would that affect you ---

22 POTENTIAL JUROR: It doesn't really.

23 THE COURT: --- in this case?

24 POTENTIAL JUROR: I just wanted to be forthright.

25 THE COURT: I appreciate that.

1 POTENTIAL JUROR: To let you know. But it doesn't
2 really affect me.

3 THE COURT: All right.

4 THE COURT: Any questions from the State? Any from the
5 defendant?

6 MR. SMITH: No, Your Honor.

7 THE COURT: All right. Thank you so very much, Ms.
8 Elsmore.

9 POTENTIAL JUROR: Thank you.

10 THE COURT: You can have a seat.

11 (WHEREUPON, potential juror returned to seat and bench
12 conference resumed as follows:)

13 THE COURT: Any motions on that one?

14 MS. SHEALY: No, Your Honor.

15 MR. SMITH: No, Your Honor.

16 MS. SHEALY: I think this next one is the one you have
17 already agreed to excuse.

18 THE COURT: Huh?

19 MS. SHEALY: I think this next lady is the lady you
20 have already excused.

21 (WHEREUPON, another potential juror approached for bench
22 conference as follows:)

23 THE COURT: Ms. Hamilton.

24 POTENTIAL JUROR: Yes, it's me again. My sister-in-law
25 was murdered by her husband. She was very close ---

1 POTENTIAL JUROR: To let you know. But it doesn't
2 really affect me.

3 THE COURT: All right.

4 THE COURT: Any questions from the State? Any from the
5 defendant?

6 MR. SMITH: No, Your Honor.

7 THE COURT: All right. Thank you so very much, Ms.
8 Elsmore.

9 POTENTIAL JUROR: Thank you.

10 THE COURT: You can have a seat.

11 (WHEREUPON, potential juror returned to seat and bench
12 conference resumed as follows:)

13 THE COURT: Any motions on that one?

14 MS. SHEALY: No, Your Honor.

15 MR. SMITH: No, Your Honor.

16 MS. SHEALY: I think this next one is the one you have
17 already agreed to excuse.

18 THE COURT: Huh?

19 ~~MS. SHEALY: I think this next lady is the lady you~~
20 have already excused.

21 (WHEREUPON, another potential juror approached for bench
22 conference as follows:)

23 THE COURT: Ms. Hamilton.

24 POTENTIAL JUROR: Yes, it's me again. My sister-in-law
25 was murdered by her husband. She was very close ---

1 THE COURT: Your sister-in-law was murdered by your
2 husband? POTENTIAL JUROR: No, by her husband.

3 THE COURT: Her husband. Okay.

4 POTENTIAL JUROR: Who was no relation to me. It was my
5 husband's sister.

6 THE COURT: All right. I appreciate it. Thank you
7 for bringing that to my attention, okay.

8 POTENTIAL JUROR: It would be hard for me.

9 THE COURT: Okay. Thank you very much.

10 (WHEREUPON, potential juror returned to seat and bench
11 conference resumed:)

12 THE COURT: Let the record reflect that I have already
13 excused her for cause because of her relationship she has
14 with someone in the public defender's office.

15 (WHEREUPON, potential juror approached for bench conference
16 as follows.)

17 POTENTIAL JUROR: I'm sorry, I didn't hear your
18 question right away.

19 THE COURT: Hang on. Ms. McIntosh, you are No. 239.
20 Speak up.

21 POTENTIAL JUROR: I was involved in a relationship
22 where I had to take -- a relationship where through the
23 court. And because I have domestic violence. That is what
24 you asked, right?

25 THE COURT: Were you involved in it?

1 POTENTIAL JUROR: Oh, yes. He broke my skull.

2 THE COURT: Broke your skull. How long ago was it?

3 POTENTIAL JUROR: That was in the spring of '90.

4 THE COURT: And I assume you got a divorce?

5 POTENTIAL JUROR: Yes.

6 THE COURT: Okay. How would that affect you involved
7 in this case?

8 POTENTIAL JUROR: I am just so anti -- I mean I just
9 feel like there is never any excuse for it.

10 THE COURT: So you think it would cause you problems
11 sitting on this jury?

12 POTENTIAL JUROR: Uh-huh.

13 THE COURT: This is a domestic relation -- this is a
14 domestic type situation.

15 POTENTIAL JUROR: It would definitely. There is just
16 no -- there is no excuse.

17 THE COURT: No excuse. You don't think you could be
18 fair because of that?

19 ~~POTENTIAL JUROR: I mean think I could be fair; but I~~
20 don't think anything I hear is going to make me feel ---

21 THE COURT: Make you what?

22 POTENTIAL JUROR: Feel the need to -- no excuse.

23 THE COURT: Well, you know we all think we can be fair.
24 I am a New York Yankee's fan, and I'm not fair towards the
25 Boston Red Socks.

1 POTENTIAL JUROR: I'm not sure I can be fair on this
2 one.

3 THE COURT: Okay. All right. I appreciate it. Thank
4 you so very much.

5 (WHEREUPON, potential juror returned to seat and bench
6 conference resumed as follows:)

7 THE COURT: I don't think y'all could hear what she
8 said. She said she just didn't think she could be fair.
9 And her ex-husband fractured her skull, and she said there
10 is no excuse for domestic violence and she just didn't think
11 she could be fair if it was a domestic situation. I will
12 excuse her for cause.

13 MS. SHEALY: Okay.

14 MR. SMITH: Yes.

15 THE COURT: I wasn't sure y'all could hear what she was
16 saying.

17 (WHEREUPON, potential juror approached for bench
18 conference.)

19 THE COURT: I'm sorry, your name.

20 POTENTIAL JUROR: Thomas Contreras, 74.

21 THE COURT: Seventy-four. Contreras. Yes, sir.

22 POTENTIAL JUROR: My daughter has a DVD charge on her
23 ex.

24 THE COURT: Your daughter does?

25 POTENTIAL JUROR: Yes.

1 THE COURT: How long ago was it?

2 POTENTIAL JUROR: It has been about six months.

3 THE COURT: Is it still pending?

4 POTENTIAL JUROR: Yes.

5 THE COURT: Are you involved in it at all?

6 POTENTIAL JUROR: No, not that part; no.

7 THE COURT: How would that affect you sitting on this
8 jury?

9 POTENTIAL JUROR: It wouldn't.

10 THE COURT: It wouldn't at all; you don't think it
11 would have any effect on you; your daughter is charged?

12 POTENTIAL JUROR: No her ex is charged. She had the
13 charges ---

14 THE COURT: Your ex is charged ---

15 POTENTIAL JUROR: Her ex.

16 THE COURT: Her ex has charged her?

17 POTENTIAL JUROR: No, she charged him.

18 THE COURT: Oh, so your daughter has charged her ex
19 husband?

20 POTENTIAL JUROR: Yeah, ex.

21 THE COURT: What did he do to her?

22 POTENTIAL JUROR: He shook her and then he went to hit
23 her, but he didn't hit her. And the cops arrested him.

24 THE COURT: But did she need any medical attention?

25 POTENTIAL JUROR: No, sir.

1 THE COURT: And you don't think it would affect you in
2 this situation?

3 POTENTIAL JUROR: No, sir.

4 THE COURT: Any further questions from the State?

5 MS. SHEALY: None, Your Honor.

6 THE COURT: Any from the defendant?

7 MS. SHEALY: No, Your Honor.

8 THE COURT: Have a seat. Thank you.

9 (WHEREUPON, potential juror returned to seat.)

10 THE COURT: Any motions?

11 MS. SHEALY: No, Your Honor.

12 MR. SMITH: No, Your Honor.

13 (WHEREUPON, potential juror approached for bench
14 conference.)

15 THE COURT: Yes, ma'am, your name?

16 POTENTIAL JUROR: It is Cynthia Ewing.

17 THE COURT: What number?

18 POTENTIAL JUROR: One eighteen.

19 THE COURT: Let me find your name. Cynthia Ewing,
20 Juror Number 118.

21 POTENTIAL JUROR: Yeah. And I am just doing this more
22 for disclosure. But my very best friend growing up's father
23 murdered her mother.

24 THE COURT: Your very ---

25 POTENTIAL JUROR: My best friend ---

1 THE COURT: --- best friend's father murdered her ---
2 POTENTIAL JUROR: My best friend's mother, ---
3 THE COURT: Mother.
4 POTENTIAL JUROR: Father murdered her mother.
5 THE COURT: Okay. How long ago was this?
6 POTENTIAL JUROR: It was 1972.
7 THE COURT: 1972.
8 THE COURT: How old were you?
9 POTENTIAL JUROR: I had just graduated high school, so
10 I was 17.
11 THE COURT: Were you involved in the trial or the
12 prosecution ---
13 POTENTIAL JUROR: No.
14 THE COURT: --- or anything?
15 POTENTIAL JUROR: No. But I mean I was -- I knew ---
16 THE COURT: You knew ---
17 POTENTIAL JUROR: We knew other things were happening.
18 And it has -- I have become a volunteer and an advocate for
19 ~~domestic women, domestic abuse.~~
20 THE COURT: You have been a volunteer for women in
21 domestic abuse?
22 POTENTIAL JUROR: Yes.
23 THE COURT: Okay.
24 POTENTIAL JUROR: I just wanted you to know that.
25 THE COURT: I understand. I understand. I guess my

1 question, Ms. Ewing, is how would that affect you sitting on
2 this case because these people -- this victim and the
3 defendant were in a domestic situation.

4 Were they living together?

5 MS. SHEALY: Yes.

6 THE COURT: They were living together.

7 POTENTIAL JUROR: I would always try and do my best.

8 But I just wanted to let it be known ---

9 THE COURT: Well, I understand ---

10 POTENTIAL JUROR: --- what my background is.

11 THE COURT: Being from your experience with your best
12 friend and that killing and your involvement in domestic
13 abuse what involvement do you have in domestic abuse are you
14 involved in; what are you doing?

15 POTENTIAL JUROR: I was a volunteer for victims of
16 violent crimes. So I would go to a hospital if they were
17 raped or do a lot ---

18 THE COURT: How long have you been doing that?

19 POTENTIAL JUROR: I did it for about four years.

20 THE COURT: About four years. How long ago?

21 POTENTIAL JUROR: That was probably about ten years
22 ago.

23 THE COURT: Can y'all hear what she is saying? She
24 volunteered for domestic abuse victims and went to hospitals
25 with victims, etc.

1 MS. SHEALY: That was ten years ago what you did?

2 THE COURT: Four years ago.

3 MS. SHEALY: You are not doing that now?

4 POTENTIAL JUROR: Huh-uh.

5 THE COURT: Four years ago. And she is not doing it
6 now. I guess my question, how would that affect you in this
7 case?

8 POTENTIAL JUROR: Well, I always want to keep an open-
9 mind; but I feel like I might have some bias. But it is
10 hard to say. I am just trying to be honest.

11 THE COURT: I understand. I understand. So you feel
12 like you would have some bias?

13 POTENTIAL JUROR: I think I might. For the defendant.

14 THE COURT: All right. Any questions from the State?

15 MS. SHEALY: No.

16 THE COURT: Any from the defendant?

17 MR. SMITH: No.

18 THE COURT: You can go have a seat. Thank you, Ms.

19 Ewing.

20 (WHEREUPON, potential juror returned to seat and bench
21 conference resumed as follows:)

22 THE COURT: Any motions?

23 MR. SMITH: I would ask she be excused for cause.

24 THE COURT: Opposition?

25 MS. SHEALY: I don't have any opposition, no.

1 THE COURT: Okay. All right.

2 (WHEREUPON, bench conference was concluded.)

3 THE COURT: Has any member of the jury panel read
4 anything in the paper or seen anything on the internet and
5 heard anything on the TV or the radio about this particular
6 case; if so, please stand; or heard anyone talking about it
7 today other than what I have told you here in the courtroom;
8 if you have, please stand.

9 (WHEREUPON, there was no response.)

10 THE COURT: Has any member of the jury panel served on
11 a jury previously; if so, please stand.

12 (WHEREUPON, potential juror stood.)

13 THE COURT: On the front row here, your name?

14 POTENTIAL JUROR: Quinnetta Hodges, Juror 180.

15 THE COURT: All right. Where did you serve, Ms.
16 Hodges?

17 POTENTIAL JUROR: I served here before and on Leeds
18 Avenue.

19 THE COURT: All right. What type of case did you serve
20 on here?

21 POTENTIAL JUROR: It has something to do with robbery.

22 THE COURT: Was it a civil case or criminal case?

23 POTENTIAL JUROR: I am not sure.

24 THE COURT: Pardon?

25 POTENTIAL JUROR: I am not sure.

1 THE COURT: You don't remember?

2 POTENTIAL JUROR: No, sir.

3 THE COURT: Were you sitting on a panel in the jury box
4 or ---

5 POTENTIAL JUROR: Jury.

6 THE COURT: --- were you on the full panel?

7 POTENTIAL JUROR: (Pointing.)

8 THE COURT: In the jury box?

9 POTENTIAL JUROR: Yes.

10 THE COURT: How long ago? How long ago was it?

11 POTENTIAL JUROR: I don't know; maybe it has been
12 five -- three years ago. I'm not sure.

13 THE COURT: Would that cause you any difficulty in
14 sitting on this jury?

15 POTENTIAL JUROR: No, sir.

16 THE COURT: All right. Thank you, Ms. Hodges.

17 (WHEREUPON, potential juror stood.)

18 THE COURT: Yes, sir -- yes, ma'am.

19 ~~POTENTIAL JUROR: 297, Mary Rutherford.~~

20 THE COURT: What is your name?

21 POTENTIAL JUROR: Mary Rutherford.

22 THE COURT: Juror 297. Yes, sir, Ms. Rutherford, where
23 did you serve?

24 POTENTIAL JUROR: Here actually.

25 THE COURT: How long ago?

1 POTENTIAL JUROR: Five years ago.

2 THE COURT: How long?

3 POTENTIAL JUROR: About five years ago.

4 THE COURT: What type of case was it; do you remember?

5 POTENTIAL JUROR: Criminal. Murder trial.

6 THE COURT: Murder trial. Okay. Did it go through to
7 a jury verdict?

8 POTENTIAL JUROR: Yes.

9 THE COURT: What was the verdict?

10 POTENTIAL JUROR: A hung jury.

11 THE COURT: Pardon?

12 POTENTIAL JUROR: A hung jury.

13 THE COURT: Hung jury. So it was a mistrial?

14 POTENTIAL JUROR: For half of it was. The other part
15 we got him guilty.

16 THE COURT: Okay. All right. Would that cause you any
17 difficulty in sitting on this jury?

18 POTENTIAL JUROR: No, sir.

19 THE COURT: All right. Thank you so very much.

20 (WHEREUPON, potential juror stood.)

21 THE COURT: Yes, sir.

22 POTENTIAL JUROR: Kevin Kannenberg, 196.

23 THE COURT: One what?

24 POTENTIAL JUROR: One ninety-six.

25 THE COURT: Yes, sir.

1 POTENTIAL JUROR: Served on two juries in Atlanta ten
2 years ago -- approximately ten years ago and seven years
3 ago. The first was burglary and carjacking. The second was
4 murder.

5 THE COURT: Okay. What was the verdict in those two
6 cases?

7 POTENTIAL JUROR: The first one, not guilty. The
8 second, the murder trial was guilty.

9 THE COURT: All right. Would that cause you any
10 difficulty in sitting on this jury?

11 POTENTIAL JUROR: I don't believe so.

12 THE COURT: All right. Thank you very much.

13 (WHEREUPON, potential juror stood.)

14 THE COURT: Yes, sir.

15 POTENTIAL JUROR: Two thirty-two, Tony Martin.

16 THE COURT: Two thirty-two. Yes, sir, Mr. Martin.

17 POTENTIAL JUROR: Three juries about thirty years ago
18 here. One was a burglary conviction. One was a grand theft
19 ~~with conspiracy. Changed his plea whenever we seated the~~
20 jury. The jury was seated. And the third was a drug trial
21 and declared a mistrial.

22 THE COURT: How long ago was this?

23 POTENTIAL JUROR: A little over 30 years ago.

24 THE COURT: All right. Would that cause you any
25 difficulty in sitting on this jury?

1 POTENTIAL JUROR: No, sir.

2 THE COURT: All right. Thank you, Mr. Martin.

3 (WHEREUPON, potential juror stood.)

4 THE COURT: Yes, sir.

5 POTENTIAL JUROR: Rick Coleman, Juror Number 70.

6 THE COURT: Yes, sir, Mr. Coleman.

7 POTENTIAL JUROR: I served on a civil case here about
8 20 years ago in this courthouse.

9 THE COURT: Not in this courthouse ---

10 POTENTIAL JUROR: Well, I mean the old one; yeah.

11 THE COURT: The old one on the corner out there, right?

12 POTENTIAL JUROR: Yeah, that's it. Yeah.

13 THE COURT: Okay. That was a civil case?

14 POTENTIAL JUROR: Yes, sir.

15 THE COURT: Would that cause you any difficulty in
16 sitting on this jury?

17 POTENTIAL JUROR: No, sir.

18 THE COURT: All right. Thank you, Mr. Coleman.

19 (WHEREUPON, potential juror stood.)

20 THE COURT: Yes, sir.

21 POTENTIAL JUROR: Thomas Hutchison, 188.

22 THE COURT: Yes, sir, Mr. Hutchinson.

23 POTENTIAL JUROR: I served on a jury about six or seven
24 years ago. It was an armed robbery case, and it was guilty.

25 THE COURT: Was that here in Charleston?

1 POTENTIAL JUROR: Yes, sir, it was here in this
2 building.

3 THE COURT: All right. Would that cause you any
4 difficulty in sitting on this jury?

5 POTENTIAL JUROR: No, sir.

6 THE COURT: All right. Thank you, Mr. Hutchison.
7 (WHEREUPON, potential juror stood.)

8 THE COURT: Yes, sir.

9 POTENTIAL JUROR: Edgar Gates, Juror 140.

10 THE COURT: One forty?

11 POTENTIAL JUROR: One forty.

12 THE COURT: Okay. Mr. Gates.

13 POTENTIAL JUROR: I served on a military court-martial
14 as a juror.

15 THE COURT: How long ago was that?

16 POTENTIAL JUROR: 1999.

17 THE COURT: What was the charge; do you remember?

18 POTENTIAL JUROR: It was guilty.

19 THE COURT: What was the charge?

20 POTENTIAL JUROR: Oh, assault and battery.

21 THE COURT: Okay. Would that cause you any problems in
22 sitting on this jury?

23 POTENTIAL JUROR: No, sir.

24 THE COURT: Thank you, Mr. Gates.

25 (WHEREUPON, potential juror stood.)

1 THE COURT: Yes, ma'am, Ms. Showers.

2 POTENTIAL JUROR: Juror 325, Barbara Showers.

3 THE COURT: Ms. Showers, Juror Number 325, 325.

4 POTENTIAL JUROR: I served on a jury back when I was 18
5 a number of years ago. It was civil. It was not criminal.
6 And I don't really remember too much about what the issues
7 were back then.

8 THE COURT: Okay. Would that cause you any problems in
9 sitting on this jury?

10 POTENTIAL JUROR: No, sir.

11 THE COURT: Thank you, Ms. Showers.

12 (WHEREUPON, potential juror stood.)

13 THE COURT: Yes, ma'am.

14 POTENTIAL JUROR: Ovetta Montgomery Dennis, 254.

15 THE COURT: Two fifty-four. Okay. Yes, ma'am.

16 POTENTIAL JUROR: It was a civil case during Hugo.
17 Case -- insurance company against the client.

18 THE COURT: Okay.

19 POTENTIAL JUROR: I don't remember no more than that.
20 It has been so long ago.

21 THE COURT: How long ago was it?

22 POTENTIAL JUROR: During Hugo. Right after Hugo.

23 THE COURT: Right after Hugo. So it was out at North
24 Charleston?

25 POTENTIAL JUROR: Yes.

1 THE COURT: Would that cause you any difficulty or
2 problems in sitting on this jury?

3 POTENTIAL JUROR: No.

4 THE COURT: All right. Thank you very much.

5 (WHEREUPON, potential juror stood.)

6 THE COURT: Yes, ma'am.

7 POTENTIAL JUROR: Cynthia Ewing, 118.

8 THE COURT: Yes, ma'am, Ms. Ewing.

9 POTENTIAL JUROR: I was on a civil jury here I think it
10 was around 2003, 2004.

11 THE COURT: Okay. Thank you very much, Ms. Ewing.

12 Is any member of the jury panel or members of their
13 family a member or contributor to victims rights or law
14 enforcement organizations such as Citizens Against Violent
15 Crime, CAVE; People Against Rape, PAR; Mother's Against
16 Drunk Driving, MADD; Persons Empowered to Save Teens, PEST;
17 or other community watch program or other like
18 organizations; if you contribute to those organizations or
19 ~~are a member of those organizations, please stand.~~

20 (WHEREUPON, potential juror stood.)

21 THE COURT: Yes, ma'am.

22 POTENTIAL JUROR: I am Kristin Hightower, Juror Number
23 177.

24 THE COURT: Yes, ma'am.

25 POTENTIAL JUROR: I was employed by People Against Rape

1 from 2007 until about 2010.

2 THE COURT: What did you do with them?

3 POTENTIAL JUROR: I was a victim advocate, a child
4 victim advocate.

5 THE COURT: Okay. And you worked there for how long?
6 I'm sorry.

7 POTENTIAL JUROR: About three years.

8 THE COURT: Three years. All right. Would that cause
9 you -- do you think you can be fair and impartial in this
10 case?

11 POTENTIAL JUROR: Yes.

12 THE COURT: Can you base your test- -- excuse me, base
13 your decision on testimony you hear in the courtroom?

14 POTENTIAL JUROR: Yes.

15 THE COURT: Not based upon your experience as a
16 counselor?

17 POTENTIAL JUROR: I can.

18 THE COURT: All right. Thank you, Ms. Hightower.

19 Yes, ma'am, Ms. Ewing, you may have a seat. Thank you
20 very much.

21 POTENTIAL JUROR, MS. EWING: Okay.

22 THE COURT: Does any member of the jury panel have any
23 particular opinions or feelings about the charge of murder
24 which would make it difficult for you to serve on a jury
25 where the defendant is charged with murder; if you have that

1 feeling or those thoughts or those opinions, please stand.

2 (WHEREUPON, potential juror, who was previously heard by the
3 court, stood again.)

4 THE COURT: Yes, ma'am, you can have a seat.

5 (WHEREUPON, potential juror stood.)

6 THE COURT: Your name?

7 POTENTIAL JUROR: Erwin Peters, 283.

8 THE COURT: All right. Do you want to come around?

9 (WHEREUPON, potential juror approached the bench and bench
10 conference was had as follows:)

11 THE COURT: Yes, sir, Mr. Peters, what are your
12 opinions about murder?

13 POTENTIAL JUROR: Well, I was wondering was -- would
14 there be capital punishment involved?

15 THE COURT: No, sir.

16 POTENTIAL JUROR: Well, then I don't have a problem.

17 THE COURT: You don't have a problem; you have just got
18 a problem with capital punishment?

19 ~~POTENTIAL JUROR: That's correct.~~

20 THE COURT: That's all?

21 POTENTIAL JUROR: That's correct.

22 THE COURT: Okay. But not murder itself?

23 POTENTIAL JUROR: No, just capital punishment.

24 THE COURT: Okay. Thank you.

25 THE COURT: Any question from the State?

1 MS. SHEALY: No.

2 THE COURT: Any from the defendant?

3 MR. SMITH: No, Your Honor.

4 THE COURT: Thank you very much.

5 (WHEREUPON, bench conference concluded and potential juror
6 returned to seat.)

7 THE COURT: Has any member of the jury panel formed an
8 opinion as to innocence or guilt for Mr. Wright just merely
9 because he was arrested and indicted by the grand jury and a
10 true bill entered by the grand jury, based upon that has
11 anybody -- has anybody already formed an opinion as to his
12 innocence or guilt; if you have, please stand.

13 (WHEREUPON, there was no response.)

14 THE COURT: Has any member of the jury panel formed or
15 expressed an opinion about any issue or matter involved in
16 this case; if so, please stand.)

17 (WHEREUPON, there was no response.)

18 THE COURT: Is any member of the jury panel aware of
19 any bias or prejudice towards either the State or the
20 defendant in this case; if so, please stand.

21 (WHEREUPON, there was no response.)

22 THE COURT: Does any member of the jury panel have any
23 reason, personally or otherwise, as to why they could not
24 serve on this jury; if so, please stand.

25 (WHEREUPON, there was no response.)

1 THE COURT: Does any member of the jury panel know of
2 any reason whatsoever why he or she should not serve on this
3 jury with particular emphasis being placed upon your ability
4 to be fair and impartial to the State and the defendant; if
5 so, please stand.

6 (WHEREUPON, there was no response.)

7 THE COURT: Any further questions from the State?

8 MS. SHEALY: No, Your Honor.

9 THE COURT: Any from the defendant?

10 MR. SMITH: No, Your Honor.

11 THE COURT: All right. How long -- much time do you
12 need to look at the jury strike sheet? I will give you the
13 strike sheet, okay.

14 MS. SHEALY: Oh, okay. Ten minutes.

15 MR. SMITH: Ten minutes would be fine.

16 THE COURT: All right.

17 (WHEREUPON, potential juror stood.)

18 POTENTIAL JUROR: Your Honor, can I approach. I had --

19 ~~I'm sorry. It was on the last -- your last question.~~

20 THE COURT: The last question?

21 POTENTIAL JUROR: Yes, sir.

22 THE COURT: Yes, sir, you can come around.

23 (WHEREUPON, potential juror approached for bench conference
24 as follows:)

25 THE COURT: What was your name again?

1 POTENTIAL JUROR: Ray Turner. I thought I would bring
2 it to your attention --- 357.

3 THE COURT: I don't remember what my last question was.
4 What was it?

5 POTENTIAL JUROR: It was just any other issue. I am an
6 attorney here in Charleston.

7 THE COURT: Right.

8 POTENTIAL JUROR: I actually argued a case in front of
9 you two weeks ago.

10 THE COURT: Right.

11 POTENTIAL JUROR: And I just wanted to bring that to
12 your attention. Not that I think I will be impartial for
13 that reason. But I thought I would bring it up.

14 THE COURT: That is all ---

15 POTENTIAL JUROR: That's it.

16 THE COURT: --- that you wanted to tell me?

17 POTENTIAL JUROR: Yeah, I wanted to tell you. I mean I
18 don't think it will make me impartial or anything. But ---

19 THE COURT: Any question from the State?

20 MS. SHEALY: I didn't hear all of it.

21 THE COURT: He said he's an attorney here in
22 Charleston. He just wanted ---

23 MS. SHEALY: Okay.

24 THE COURT: --- to know that he had argued a case
25 before me a couple of weeks ago.

1 MS. SHEALY: Oh, okay.

2 THE COURT: He just wanted me to know that.

3 MS. SHEALY: Okay. Nothing further.

4 THE COURT: Okay. Thank you, Mr. Turner. I appreciate
5 it.

6 (WHEREUPON, potential juror returned to seat.)

7 MS. SHEALY: Your Honor, could we just address one
8 issue. I have had this come up recently in my cases. And
9 that one juror was questioning whether this was a capital
10 case, I would ask that you would tell the jury that this is
11 not so that none of them have that fear.

12 THE COURT: I will tell the panel.

13 MS. SHEALY: Okay.

14 THE COURT: But I am not going to tell the full ---

15 MS. SHEALY: Okay. That's fine.

16 THE COURT: Okay.

17 (WHEREUPON, bench conference concluded.)

18 THE COURT: All right. Ladies and gentlemen of the
19 ~~jury, it is a quarter until 1:00. You are welcome to stay~~
20 in the courtroom or you can go out. But be back in the
21 courtroom at 1:00 and we will draw the jury at that time.

22 I will give y'all about 10 minutes to take a look at it
23 real quick. Two alternates.

24 (WHEREUPON, a break was had at 12:48 p.m.)

25 (WHEREUPON, proceedings resumed 1:02 p.m.)

1 THE COURT: Madam clerk, give us a jury.

2 THE CLERK: Ladies and gentlemen, when I call your jury
3 number and your name, if you can please take with you all of
4 your belongings. You are going to step forward towards the
5 podium and face the back of the room. If you are not
6 selected for a jury, just go right back to your seat.
7 Though if you are selected for a jury, please go ahead and
8 take a seat in the jury box.

9 Starting with Juror Number 354, Matthew Townsend. In
10 front of the podium. Right in front of the podium and face
11 the back of the room.

12 (WHEREUPON, potential juror, a white male, approached.)

13 THE CLERK: Thank you, sir. What say you for the
14 State?

15 MS. SHEALY: Please seat the juror.

16 THE CLERK: What say you for the defendant?

17 MR. SMITH: Please excuse the juror.

18 THE CLERK: Sir, you have been excused from the trial
19 of this case. You can return to your seat.

20 POTENTIAL JUROR: Thank you.

21 THE CLERK: You are welcome.

22 Juror Number 392, Stephen Wood.

23 (WHEREUPON, potential juror, a white male, approached.)

24 THE CLERK: What say you for the State?

25 MS. SHEALY: Please seat the juror.

1 THE CLERK: What say you for the defendant?

2 MR. SMITH: Please seat the juror.

3 THE CLERK: Sir, you have been selected for the trial
4 of this case. You can take a seat in the jury box.

5 Juror Number 325, Barbara Showers.

6 (WHEREUPON, potential juror, a white female, approached.)

7 THE CLERK: What say you for the State?

8 MS. SHEALY: Please excuse this juror.

9 THE CLERK: Ma'am, you have been excused from the trial
10 of this case. You may return to your seat.

11 Juror Number 323, Max Sherman.

12 (WHEREUPON, potential juror, a white male, approached.)

13 THE CLERK: What say you for the State?

14 MS. SHEALY: Please seat this juror.

15 THE CLERK: What say you for the defendant?

16 MR. SMITH: Please excuse the juror.

17 THE CLERK: Sir, you have been excused from the trial
18 of this case. You may return to your seat.

19 Juror Number 94, Jessica Decell.

20 (WHEREUPON, potential juror, a white female, approached.)

21 THE CLERK: What say you for the State?

22 MS. SHEALY: Please excuse this juror.

23 THE CLERK: Ma'am you have been excused from the trial
24 of this case. You may return to your seat.

25 Juror Number 271, Charles Oakes.

1 (WHEREUPON, potential juror, a white male, approached.)

2 THE CLERK: What say you for the State?

3 MS. SHEALY: Please seat the juror.

4 THE CLERK: What say you for the defendant?

5 MR. SMITH: Please seat this juror.

6 THE CLERK: Sir, you have been selected for the trial
7 of this case. You may take a seat in the jury box.

8 Juror Number 70, Ricky Coleman.

9 (WHEREUPON, potential juror, a white male, approached.)

10 THE CLERK: What say you for the State?

11 MS. SHEALY: Please seat the juror.

12 THE CLERK: What say you for the defendant?

13 MR. SMITH: Please seat this juror.

14 THE CLERK: Sir, you have been selected for the trial
15 of this case. You may take a seat in the jury box.

16 Juror Number 283, Erwin Peters.

17 (WHEREUPON, potential juror, a white male, approached.)

18 THE CLERK: What say you for the State?

19 MS. SHEALY: Please excuse this juror.

20 THE CLERK: Sir, you have been excused from the trial
21 of this case. You may return to your seat.

22 THE CLERK: The State has exhausted three of its five
23 strikes.

24 Juror Number 177, Christen Hightower.

25 (WHEREUPON, potential juror, a white female, approached.)

1 THE CLERK: What say you for the State?

2 MS. SHEALY: Please seat the juror.

3 THE CLERK: What say you for the defendant?

4 MR. SMITH: Please excuse the juror.

5 THE CLERK: Ma'am, you have been excused from the trial
6 of this case. You can return to your seat.

7 Juror Number 188, Thomas Hutchinson.

8 (WHEREUPON, potential juror, a white male, approached.)

9 THE CLERK: What say you for the State?

10 MS. SHEALY: Please seat the juror.

11 THE CLERK: What say you for the defendant?

12 MR. SMITH: Please excuse the juror.

13 THE CLERK: Sir, you have been excused from the trial
14 of this case. You can take a seat.

15 Juror Number 11, Franklin Baldwin.

16 (WHEREUPON, potential juror, a white male, approached.)

17 THE CLERK: What say you for the State?

18 MS. SHEALY: Please seat the juror.

19 ~~THE CLERK: What say you for the defendant?~~

20 MR. SMITH: Please seat the juror.

21 THE CLERK: Sir, you have selected in the trial of this
22 case. You may take a seat in the jury box.

23 Juror Number 80, Rodney Cox.

24 (WHEREUPON, potential juror, a white male, approached.)

25 THE CLERK: What say you for the State?

1 MS. SHEALY: Please seat the juror.
2 THE CLERK: What say you for the defendant?
3 MR. SMITH: Please seat the juror.
4 THE CLERK: Sir, you have been selected in the trial of
5 this case. You may take a seat in the jury box.
6 Juror Number 370, Mark Watercutter.
7 (WHEREUPON, potential juror, a white male, approached.)
8 THE CLERK: What say you for the State?
9 MS. SHEALY: Please seat the juror.
10 THE CLERK: What say you for the defendant?
11 MR. SMITH: Please seat this juror.
12 THE CLERK: Sir, you have been selected as a juror in
13 this case. You may take a seat in the juror box.
14 Juror Number, Rick Dean.
15 (WHEREUPON, potential juror, a white male, approached.)
16 THE CLERK: What say you for the State?
17 MS. SHEALY: Please seat the juror.
18 THE CLERK: What say you for the defendant?
19 MR. SMITH: Please seat this juror.
20 THE CLERK: Sir, you have been selected in the trial of
21 this case. You may take a seat in the jury box.
22 Juror Number 140, Edgar Gates.
23 (WHEREUPON, potential juror, a white male, approached.)
24 THE CLERK: What say you for the State?
25 MS. SHEALY: Please swear the juror -- seat the juror.

1 THE CLERK: What say you -- what say you for the
2 defendant?

3 MR. SMITH: Please excuse the juror.

4 THE CLERK: Sir, you have been excused from the trial
5 of this case. You may return to your seat.

6 Juror Number 186, Thomas Hurst.

7 (WHEREUPON, potential juror, a white male, approached.)

8 THE CLERK: What say you for the State?

9 MS. SHEALY: Please seat the juror.

10 THE CLERK: What say you for the defendant?

11 MR. SMITH: Please seat the juror.

12 THE CLERK: Sir, you have been selected in the trial of
13 this case. You may take a seat in the jury box.

14 Juror Number 134, Matthew Freeman.

15 MS. SHEALY: Your Honor, may we approach briefly?

16 THE COURT: Yes, ma'am.

17 (WHEREUPON, bench conference was had as follows:)

18 MS. SHEALY: Your Honor, regarding this potential juror
19 we had information that he used to work with the defendant.

20 He didn't stand up when we called his name. But can we
21 inquire whether he used to work with the defendant?

22 THE COURT: I wish you had done it before we started
23 this when we were asking questions. I mean ---

24 MS. SHEALY: Well, I mean I think you can just bring
25 him up ---

1 THE COURT: Huh?

2 MS. SHEALY: You don't want to bring him just right up
3 to the

4 THE COURT: I guess I will. Your position is he ---

5 MS. SHEALY: We ---

6 THE COURT: --- worked with the defendant?

7 MS. SHEALY: Uh-huh, that he had previously worked.

8 And it may be inaccurate information. That he had worked
9 with the defendant.

10 THE COURT: Matthew Freeman. I will just bring him up
11 here and see what's.

12 (WHEREUPON, break from bench conference.)

13 THE COURT: Mr. Freeman, will you come around up front,
14 please, sir. Come up here, Mr. Freeman.

15 (WHEREUPON, Mr. Freeman was included in bench conference
16 which resumed as follows:)

17 THE COURT: How are you doing today?

18 POTENTIAL JUROR: I'm fine. How are you?

19 THE COURT: Are you doing all right? What kind of hat
20 have you got there?

21 POTENTIAL JUROR: Just an old hat.

22 THE COURT: You don't have a label on it?

23 POTENTIAL JUROR: No, I started to wear my Patriot's
24 jersey but --

25 THE COURT: Just a great little hat, huh? Do what?

1 POTENTIAL JUROR: I started to wear my Patriot's hat.

2 THE COURT: Oh, okay.

3 POTENTIAL JUROR: But I changed my mind.

4 THE COURT: Let me ask you a question. Do you know the
5 defendant in this case?

6 POTENTIAL JUROR: I don't know him, but I just ---

7 THE COURT: You what?

8 POTENTIAL JUROR: I don't know him, but I just found
9 out that my uncle used to work with him when I walked
10 outside..

11 THE COURT: You just found out you used to work with
12 him?

13 POTENTIAL JUROR: My uncle.

14 THE COURT: Your uncle?

15 POTENTIAL JUROR: Yeah.

16 THE COURT: Your uncle worked with him?

17 POTENTIAL JUROR: Yeah. I just found that out outside
18 when I walked ---

19 ~~THE COURT: But you didn't work with him?~~

20 POTENTIAL JUROR: No, I didn't work with him.

21 THE COURT: Okay. How long did your uncle work with
22 him?

23 POTENTIAL JUROR: He just told me --- I don't know for
24 sure, but I think he just did like pouring concrete or
25 whatever.

1 THE COURT: How did you find out your uncle had worked
2 with him?

3 POTENTIAL JUROR: He just told me just now.

4 THE COURT: Your uncle -- is your uncle on the jury?

5 POTENTIAL JUROR: No, he was outside waiting.

6 THE COURT: Oh, he was outside and he told you when you
7 went outside; so ---

8 POTENTIAL JUROR: Yeah, he was just out and mentioned
9 something about it.

10 THE COURT: Why was your uncle up here?

11 POTENTIAL JUROR: I guess he knows him.

12 THE COURT: He knows him?

13 POTENTIAL JUROR: I guess so. I don't know.

14 THE COURT: Did your uncle tell you anything else other
15 than he used to work with him?

16 POTENTIAL JUROR: No, he really didn't say anything
17 else. But I was going to mention something.

18 THE COURT: All right. Any questions from the State?

19 MS. SHEALY: No, Your Honor.

20 THE COURT: Any from the defendants?

21 MR. SMITH: No, Your Honor.

22 THE COURT: You can have a seat.

23 (WHEREUPON, potential juror returned to seat and bench
24 conference resumed as follows:)

25 THE COURT: Any motions?

1 MS. SHEALY: Yes, Judge, I would move that he be
2 excluded. He didn't respond with the information.

3 THE COURT: Well, he said he didn't realize it until he
4 talked with uncle. Your motion to excuse him for cause is
5 denied. Okay.

6 (WHEREUPON, bench conference concluded.)

7 THE COURT: All right. Mr. Freeman, if you will come
8 around, please. Stand by the podium.

9 (WHEREUPON, potential juror, a black male, approached.)

10 THE CLERK: What say you for the State?

11 MS. SHEALY: Please excuse this juror.

12 THE CLERK: Sir, you have been excused from the trial
13 of this case. You may return to your seat.

14 The State has exhausted four of its five strikes.

15 Juror Number 91, Michael Dawsey.

16 (WHEREUPON, potential juror, a white male, approached.)

17 THE CLERK: What say you for the State?

18 MS. SHEALY: Please seat the juror.

19 THE CLERK: What say you for the defendant?

20 MR. SMITH: Please excuse this juror.

21 THE CLERK: Sir, you have been excused from the trial
22 of this case. You may return to your seat.

23 Juror Number 327, Asha Simmons.

24 (WHEREUPON, potential juror, a black female, approached.)

25 THE CLERK: What say you for the State?

1 MS. SHEALY: Please seat the juror.

2 THE CLERK: What say you for the defendant?

3 MR. SMITH: Please seat this juror.

4 THE CLERK: Ma'am, you have been selected in the trial
5 of this case. You may take a seat in the jury box.

6 Juror Number 393, Judith Wright.

7 (WHEREUPON, potential juror, a white female, approached.)

8 THE CLERK: What say you for the State?

9 MS. SHEALY: Please seat the juror.

10 THE CLERK: What say you for the defendant?

11 MR. SMITH: Please seat this juror.

12 THE CLERK: Ma'am, you have been selected in the trial
13 of this case. You may take a seat in the jury box.

14 Juror Number 293, Helen Reid.

15 (WHEREUPON, potential juror, a white female, approached.)

16 THE CLERK: What say you for the State?

17 MS. SHEALY: Please seat the juror.

18 THE CLERK: What say you for the defendant?

19 MR. SMITH: Please excuse the juror.

20 THE CLERK: Ma'am, you have been excused from the trial
21 of this case. You may return to your seat.

22 Juror Number 234, Yvonne Mauck.

23 (WHEREUPON, potential juror, a white female, approached.)

24 THE CLERK: What say you for the State?

25 MS. SHEALY: Please seat the juror.

1 THE CLERK: What say you for the defendant?

2 MR. SMITH: Please seat the juror.

3 THE CLERK: Ma'am, you have been selected in the trial
4 of this case. You may take a seat in the jury box.

5 Juror Number 305, Karen Roof.

6 (WHEREUPON, potential juror, a white female, approached.)

7 THE CLERK: What say you for the State?

8 MS. SHEALY: Please seat the juror.

9 THE CLERK: What say you for the defendant?

10 MR. SMITH: Please excuse the juror.

11 THE CLERK: Ma'am, you have been excused from the trial
12 of this case. You may return to your seat.

13 Defendant has exhausted eight of its ten strikes.

14 Juror Number 31, Erin Boyd.

15 (WHEREUPON, potential juror, a white female, approached.)

16 THE CLERK: What say you for the State?

17 MS. SHEALY: Please seat the juror.

18 THE CLERK: What say you for the defendant?

19 ~~MR. SMITH: Please excuse this juror.~~

20 THE CLERK: Ma'am, you have been excused from the trial
21 of this case. You may return to your seat.

22 Juror Number 297, Mary Rutherford.

23 (WHEREUPON, potential juror, a white female, approached.)

24 THE CLERK: What say you for the State?

25 MS. SHEALY: Please seat the juror.

1 THE CLERK: What say you for the defendant?

2 MR. SMITH: Please excuse this juror.

3 THE CLERK: Ma'am, you have been excused from the trial
4 of this case. You may return to your seat.

5 The defendant has exhausted 10 of its 10 strikes.

6 Juror Number 112, Robin Elsmore.

7 (WHEREUPON, potential juror, a white female, approached.)

8 THE CLERK: What say you for the State?

9 MS. SHEALY: Please seat the juror.

10 THE CLERK: Any challenges from the defendant?

11 MR. SMITH: No.

12 THE CLERK: Ma'am, you have been selected in the trial
13 of this case. You may take a seat in the jury box.

14 Now striking for our first alternate. Strikes are one
15 and two with the State striking first.

16 Juror Number 254, Ovetta Montgomery Dennis.

17 (WHEREUPON, potential juror, a black female, approached.)

18 THE CLERK: What say you for the State?

19 MS. SHEALY: Please seat the juror.

20 THE CLERK: What say you for the defendant?

21 MR. SMITH: Please seat this juror.

22 THE CLERK: Ma'am, you have been selected as our first
23 alternate. You may take a seat in the jury box.

24 Juror Number 155, Clarence Goss.

25 (WHEREUPON, potential juror, a white male, approached.)

1 THE CLERK: What say you for the State?

2 MS. SHEALY: Please seat the juror.

3 THE CLERK: What say you for the defendant?

4 MR. SMITH: Please seat the juror.

5 THE CLERK: Sir, you have been selected as our second
6 alternate. You may take a seat in the jury box.

7 THE COURT: All right. Members of the jury I am going
8 to ask you to go to the jury room very briefly. Please
9 don't discuss the case amongst yourself. If you will follow
10 the bailiff and I will get you back very shortly. If you
11 will follow the bailiff to the jury room please.

12 (WHEREUPON, the jury left the courtroom at 1:23 p.m.)

13 THE COURT: Any motions from the State on drawing the
14 jury other than the ones that have already been previously
15 made at the bench?

16 MS. SHEALY: No, sir.

17 THE COURT: Any from the defense?

18 MR. SMITH: No, Your Honor.

19 THE COURT: All right. Thank you very much.

20 Call in after 6:00?

21 THE CLERK: Yes, sir.

22 THE COURT: All right. The remaining members of the
23 jury panel, is there anybody that does not have the number
24 to call in? If you don't have the phone number please raise
25 your hand and the bailiff will give it to you.

1 I assume everybody has the number. Call it after 6:00.
2 Follow the instructions. The instructions may be call in
3 tomorrow. They may be report tomorrow. I don't know. But
4 follow the instructions. You're welcome to stay, otherwise
5 you are excused. Thank you very much.

6 (WHEREUPON, the jury panel was excused 1:24 p.m.)

7 THE COURT: What time do you want to bring the jury
8 back? Do y'all want to mark some exhibits. It is now 1:20.

9 MS. SHEALY: If we could come back to the courtroom at
10 2:30 to start marking the exhibits and have the jury come
11 back at 3:00.

12 THE COURT: Okay. All right. Bring us the jury
13 please.

14 (WHEREUPON, the jury entered 1:25 p.m.)

15 THE BAILIFF: The jurors are all present, Your Honor.

16 THE COURT: Thank you very much. All right. Ladies
17 and gentlemen of the jury, I am going to send you to lunch
18 at this time. And I am going to ask you not to talk to
19 anybody about the case.

20 Don't do any electronic research. Don't get on the
21 computer and do any type of research about this case. I
22 want you to base your decision on what you hear in this
23 courtroom, not what you read on the internet or on TV or
24 read in the paper. They don't know. They weren't here.

25 You will hear all the testimony. You will get to see

1 all of the evidence. You are to base your decision on that.
2 So don't do any type of electronic investigation of this
3 case during the course of this case. Do not do any texting,
4 e-mailing, to any friends about the case. Don't discuss the
5 case with anyone.

6 Be back in the jury room at three o'clock. When you
7 get to the courthouse come straight to the jury room and we
8 will get started at that time. If you will follow the
9 bailiff they will show you where to come to at three
10 o'clock. Have a good lunch.

11 (WHEREUPON, the jury left the courtroom at 1:27 p.m.)

12 THE COURT: All right. Y'all want to start back at
13 2:30?

14 MS. SHEALY: Yes, sir.

15 THE COURT: Marking exhibits. All right. We will
16 adjourn until 2:30.

17 MS. SHEALY: Thank you.

18 THE COURT: Thank you very much.

19 ~~(WHEREUPON, recess for lunch February 2, 2015, at 1:28 p.m.)~~

20 THE COURT: I understand the parties have reached an
21 agreement as to some exhibits. I believe exhibit -- State
22 Exhibits 1 through ...79. If you could state it, I would
23 appreciate it. I will just say my understanding is State's
24 Exhibit 30, 31 and 32 is being -- is not going to be placed
25 into evidence; it is going to be withdrawn; is that correct?

1 MS. SHEALY: That's correct.

2 THE COURT: The defendant objects to State's Exhibit
3 141, at least one phone call on that 911 call; is that
4 correct?

5 MS. SHEALY: That is correct.

6 THE COURT: And the defendant objects to State's
7 Exhibit 179; is that correct?

8 MS. SHEALY: That is correct.

9 THE COURT: All right. And you are going to listen to
10 the phone call just as soon as he gets it ready.

11 MS. SHEALY: We probably can handle it right over here.

12 THE COURT: Okay.

13 MS. SHEALY: We just need to make sure we can cue it up
14 correctly.

15 THE COURT: What about Defendant's Exhibit 1 through 9
16 do you agree that those will be into evidence or do you
17 disagree; or have you even seen them?

18 MS. SHEALY: I saw them. Those are the ones you showed
19 me. I don't have any problem with them.

20 THE COURT: All right. So Defendant's 1 through 9 will
21 be admitted without objection; is that correct?

22 MS. SHEALY: That is correct.

23 THE COURT: What I will do is put all of this on the
24 record at the appropriate time before you start your case in
25 front of the jury. I am putting it on the record at this

1 time; is that correct, Solicitor?

2 MS. SHEALY: Yes, sir.

3 MR. SMITH: Yes.

4 THE COURT: Mr. Smith, is that correct?

5 MR. SMITH: That is correct, Your Honor.

6 (WHEREUPON, list of State's 1-179 was provided. State's
7 Exhibit Number 1, photo, was marked for identification.)

8 (WHEREUPON, State's Exhibit Number 1 was admitted into
9 evidence.)

10 (WHEREUPON, State's Exhibit Number 2, photo, was marked for
11 identification.)

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13 evidence.)

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15 withdrawn before being marked and logged.)
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19 for identification.)
20 (WHEREUPON, Defendant's Exhibit Number 9 was admitted into
21 evidence.)
22 THE COURT: All right. Let me know when y'all finish
23 listening to that one and we will bring the jury in and get
24 started.
25 MS. SHEALY: Well, do you want to go ahead and hear the

1 argument on that one call while the jury is out?

2 THE COURT: You have got to make sure it is the same
3 call, don't you?

4 MS. SHEALY: I think that we know that it is the
5 same -- we could actually make the argument when she cues it
6 up.

7 THE COURT: Okay.

8 MS. SHEALY: Well ---

9 THE COURT: Okay.

10 MS. SHEALY: Maybe you are going to want to listen to
11 it. I have got a transcript of it that I have given a copy
12 to Mr. Smith previously.

13 THE COURT: All right. Mr. -- let me take a look at it
14 for just a second. All right, Mr. Smith, do you object to
15 all of this on the transcript of this phone call, all of it?

16 MR. SMITH: Yes, Your Honor.

17 THE COURT: All right. I am going to go ahead and mark
18 this as Court's Exhibit Number 1, okay.

19 MS. SHEALY: Okay.

20 (WHEREUPON, Court's Exhibit 1, audio, was marked for
21 identification; however, the exhibit was later withdrawn.)

22 THE COURT: And that will be a complete copy of that.
23 If you will give me a chance to just scan it and then I will
24 listen to your argument.

25 MS. SHEALY: Oh, sure. Okay.

1 (Pause for Court's review of document.)

2 THE COURT: Okay.

3 MS. SHEALY: Okay. Your Honor, this may be helpful to
4 you. If I could hand up State's Exhibit 1 just to show you
5 the area in question. There are two mobile homes that are
6 parallel to each other.

7 THE COURT: Okay.

8 MS. SHEALY: Can you see that?

9 THE COURT: Yes.

10 THE COURT: And if I could just -- so this is one where
11 the shooting occurs.

12 THE COURT: The one with the ---

13 MS. SHEALY: The one that has the car in front of it.
14 The white car.

15 THE COURT: The white car with the dot?

16 MS. SHEALY: That's right.

17 THE COURT: Okay.

18 MS. SHEALY: Okay. So in the mobile home across the

19 ~~way the phone call that you have a transcript for is placed~~
20 by a resident at that mobile home.

21 THE COURT: Do you know who the resident is?

22 MS. SHEALY: I do.

23 THE COURT: Okay.

24 MS. SHEALY: His name is Darren Ravenel. I have Ms.

25 Ford's daughter who is going to testify about coming out and

1 seeing what had happened and running over to that mobile
2 home to get assistance in calling 911.

3 Additionally, I have the occupant of that trailer who
4 is Leonard Maxwell who will be testifying. He can identify
5 Mr. Ravenel's voice.

6 THE COURT: Well, where is Ravenel?

7 MS. SHEALY: We can't find him. We can't find him.
8 But I think it falls squarely under 802 -- excuse me, 803-2
9 which is excited utterance. And for that the availability
10 of the declarant is immaterial.

11 You will note that the transcript begins like eight
12 minutes into the phone call. I have already taken out just
13 conversation and frustration on the part of that gentleman
14 for EMS taking so long to get there, etc. I isolated what
15 were his observations. So I think it is appropriate under
16 803-2.

17 THE COURT: Anything else?

18 MS. SHEALY: No, sir.

19 THE COURT: Mr. Smith. Thank you, Judge. We are
20 obviously concerned about this call and not being able to
21 confront this witness and cross-examine this witness.

22 If you listen to this call in its entirety he is
23 receiving information from a number of sources, and so we
24 are not able to pin down whether this was his direct
25 knowledge or something he had learned from others. So under

1 the confrontation clause we would object to this call coming
2 in.

3 THE COURT: Under the confrontation clause?

4 MR. SMITH: We think we would have the right to
5 confront him about ---

6 THE COURT: Well, I understand; but under the cases
7 that we are talking about, generally that is prepared by the
8 State or at the suggestion of the State. This was
9 spontaneous. I'm not sure ---

10 MR. SMITH: It is, although I don't -- I guess we don't
11 know not being able to talk to him or speak with him about
12 whether or not -- I mean it certainly could qualify as an
13 excited utterance, but having not been able to talk with him
14 and question him I can't agree that that is the case.

15 THE COURT: I am not asking you to agree; I am asking
16 why don't you think it is an excited utterance. I
17 understand what you are saying about confrontation, but I
18 don't think that falls under the U.S. Supreme Court cases,
19 ~~address that issue, because the State didn't start the~~
20 conversation.

21 I mean I have a very --- well, but go ahead. Let me
22 hear your --- but I do want to hear you on -- let's just say
23 I'm not impressed with the confrontation argument.

24 MR. SMITH: I understand, Your Honor.

25 THE COURT: But let me hear you on the excited

1 utterance, okay.

2 MR. SMITH: Your Honor, I don't know that I can offer
3 anything else on excited utterance itself. I just don't --
4 I don't know that it qualifies without having been able to
5 interview or talk to that particular witness.

6 THE COURT: Well, let me then ask the solicitor.
7 Normally under the excited utterance, solicitor, it's
8 somebody on the witness stand that is saying what someone
9 said or told me. Now here we have got this gentleman - and
10 you identify him as Gary Ravenel - talking on a 911 call
11 giving out information that he knew or someone told him. I
12 mean why should it be an excited utterance, ---

13 MS. SHEALY: Because it is his ---

14 THE COURT: --- because it is normally an exception
15 that you are trying to get around in court.

16 MS. SHEALY: Well, Your Honor, for this very reason.
17 It is is his excited utterance ---

18 THE COURT: I understand.

19 MS. SHEALY: --- describing things as they are
20 happening. He is unavailable. He is not present. Even
21 though the availability of the declarant is immaterial.

22 THE COURT: Right.

23 MS. SHEALY: I can tell you, Judge, and I think Mr.
24 Smith may agree, the phone call is much more lengthy than
25 that, and during it he is eliciting questions of the young

1 girl that is on the scene at the prompting of the
2 dispatcher. I have taken all of that out.

3 THE COURT: Well, I understand; but that doesn't make
4 this admissible because you are taking that out.

5 MS. SHEALY: No, but what I would suggest is all that I
6 have narrowed it to is what he is saying he is having
7 observed.

8 THE COURT: Okay.

9 MS. SHEALY: We could play it if you wanted to hear it.

10 THE COURT: No, I've got the transcript.

11 MS. SHEALY: Okay.

12 THE COURT: I mean I read the transcript. It is
13 probably -- how good is the tape; can you hear it?

14 MS. SHEALY: It is good. I also have copies for the
15 jury if we need them. Would you like -- it doesn't take
16 very long if you want to hear it. Four minutes.

17 THE COURT: All right. As far as this phone call is
18 concerned, don't mention it in opening statements and I will
19 give you a decision before ---

20 MS. SHEALY: Okay.

21 THE COURT: --- your witness. What order is this
22 witness ---

23 MS. SHEALY: He is second ---

24 THE COURT: --- you are going to be trying to bring
25 this up? MS. SHEALY: Second witness.

1 Okay. Your Honor, we are also having some issue with
2 our computer.

3 THE COURT: Solicitor, who was the other guy in the
4 mobile home?

5 MS. SHEALY: Leonard Maxwell.

6 THE COURT: Leonard Maxwell. Did he hear all this?

7 MS. SHEALY: He can identify this guy's voice. And he
8 is out in between the two trailers as all of this is going
9 on.

10 THE COURT: So ---

11 MS. SHEALY: I don't think he can say that he heard
12 every word this guy said. I don't want ---

13 THE COURT: So he wasn't present during the 911 call?

14 MS. SHEALY: He was present, but they are outside all
15 in between those two places. I don't think I could
16 represent he heard every word.

17 THE COURT: Okay. All right. Anything else before we
18 bring the jury?

19 MS. SHEALY: Beg the court's indulgence.

20 (Pause.)

21 THE COURT: Are y'all ready to bring the jury?

22 MS. SHEALY: We are, Your Honor.

23 THE COURT: Okay. Bring us the jury, please.

24 (WHEREUPON, the jury enters the courtroom February 2, 2015,
25 3:24 p.m.)

1 THE COURT: Ms. Robin Elsmore, would you swap seats
2 with this gentleman down here at the end. I am going to
3 appoint you as forelady of the jury, please, ma'am.

4 (WHEREUPON, juror complied.)

5 THE COURT: Madam Clerk, if you will swear the jury,
6 please.

7 (WHEREUPON, the jury was duly sworn.)

8 THE COURT: All right. Madam forelady, ladies and
9 gentlemen of the jury, I just want to explain very briefly
10 the process that we are going to go through over the next
11 two or three days in this trial.

12 After I finish making these comments the attorneys will
13 make an opening statement to you. And that opening
14 statement is basically what they are planning on proving
15 during the course of this trial.

16 After the opening statements the State will be
17 responsible for calling witnesses to prove their case. They
18 will have the witnesses on direct examination. After each
19 ~~witness has testified on direct examination then the defense~~
20 counsel will have an opportunity to cross-examine that
21 witness.

22 Now the difference between direct examination and
23 cross-examination is on direct examination you cannot ask
24 leading questions and on cross you can ask leading question.
25 A leading question is a question that suggests an answer.

1 Now after the State has presented all their testimony
2 and all their witnesses then the defense will have an
3 opportunity to present testimony if they so choose. And
4 then the roles will reverse, the defense will be on direct
5 examination and the State will have those witness on
6 cross-examination.

7 After -- if the defense offers testimony then the State
8 will have an opportunity to reply to that testimony. After
9 all the testimony has been taken you will hear closing
10 arguments in the case. After closing arguments I would
11 charge you on the law that is applicable in this particular
12 case. After that is done then you, the jury, will make a
13 decision on the facts of the case.

14 Your role in this trial is to determine the facts in
15 the case. And I guess the simplest example I can give you
16 is if someone is involved in a civil case and it is an
17 intersection collision and one party testifies well the
18 light was green and the other party say no the light was red
19 and you are going to have to make a determination factually
20 was the light red or was the light green.

21 My job is to tell you under the laws of South Carolina
22 people do not -- cannot run a red light; they are supposed
23 to stop. I will charge you the law. And that is what I
24 would do in this particular case.

25 Now a defendant in South Carolina never has to prove

1 himself innocent. It is the State's responsibility and
2 obligation to prove the defendant guilty beyond a reasonable
3 doubt, and the defendant is presumed innocence until you the
4 jury unanimously have decided and found factually that the
5 defendant -- and the State has proven his guilt beyond a
6 reasonable doubt and vote unanimously that the defendant is
7 guilty.

8 The defendant does not even have to offer testimony if
9 they so choose. But that decision will be made later in the
10 trial. I don't know if the defendant or the defense is
11 going to offer testimony or not; but if it does not offer
12 testimony, that is not an indication of his guilt and in any
13 manner whatsoever you are not to consider it in any fashion
14 in arriving at your decision.

15 The -- as I told you earlier, the fact that the
16 defendant was arrested and indicted does not mean he's
17 guilty or not guilty. It is the State's obligation in this
18 courtroom to prove the defendant guilty beyond a reasonable
19 doubt, and I will charge you on the meaning of reasonable
20 doubt at the end of the case.

21 And I will also tell you at this time that this is --
22 he is charged with murder but this is not a capital case.
23 In other words, a capital case involves the death penalty.
24 This does not involve the death penalty.

25 Are you ready for your opening statements?

1 MS. SHEALY: Yes, Your Honor. May it please the court.

2 THE COURT: Let me just say one other thing. Let me
3 interrupt you. As far as the hours are concerned we will
4 generally run from 9:30 to 5:00 or 5:30 and we will take an
5 hour, hour-and-a-half for lunch during that process. So
6 plan that accordingly. And the case is probably going to
7 take let's just say for the day, approximately three days;
8 okay.

9 Solicitor.

10 MS. SHEALY: Thank you, Your Honor. Mr. Smith, Ms.
11 Runey.

12 **OPENING BY MS. SHEALY:**

13 Good afternoon. On February 16th of 2013 Kadasha J.
14 , 15 years old, and she was looking forward to the
15 day because it was a Saturday; her cousins were going to be
16 having a birthday party in about a week, week-and-a-half.
17 And they had a color theme to their birthday party, blue.

18 Well, Melinda Ford, Kadasha's mother, agreed to take
19 her shopping. And Kadasha's grandmother, Kate Ford, was
20 going to go with them.

21 Let me tell you where they live. I don't know how many
22 of you are familiar with Johns Island; but when you go down
23 Bohicket Road towards Kiawah and it is narrow and then it
24 kind of expands a little before you get down to Kiawah there
25 is that area is called the Betsy Kerrison Parkway or Betsy

1 Kerrison Drive.

2 And Kadasha, her mother, her sister Chrisshon, and her
3 little brother Davion, lived in a mobile home right on Betsy
4 Kerrison. And Timothy Wright had been living with them for
5 a few months.

6 So Kadasha and her mother and her grandmother they went
7 to Tanger Outlet. They made some purchases at various
8 stores there. They then went to City Trends, another
9 fashion place for young girls and I guess young adults.
10 They went to the grocery store. And on the way back they
11 stopped and got the grandmother some Chinese food, takeout.
12 They came home.

13 Kadasha will tell you they get home and she's unloading
14 the car with their packages. They go in the house and
15 Timothy Wright is there. He is in the bedroom eating. And
16 so Kadasha takes her mother's items and puts them in one bag
17 and separates her items out and goes to put them in her
18 bedroom and then actually starts washing some clothes.

19 ~~Her mother when she came in it is around six o'clockish~~
20 when this all happened. So somewhere close to 6:00 her
21 mother got out a little Mason jar - you will see it - and
22 poured herself some wine and went back into the bedroom with
23 Timothy Wright. Kadasha heard some loud angry voices.

24 When she was unpacking the car she told her mother oh
25 you forgot to give grandmama her Chinese food. So after

1 they -- after Kadasha heard the angry voices Timothy Wright
2 barreled out of the bedroom and says: I'm done. I'm done.

3 He goes to the kitchen and gets some black trash bags
4 and starts hurriedly packing his stuff up. And he took a
5 bag outside. Melinda Ford grabs her keys, a little Mason
6 jar of wine, her phone, and tells Kadasha I am going to go
7 run the food over to grandmamas. Grandmama might not be
8 what they call her, but her mother.

9 Then Kadasha's world stops. She hears a yell from
10 her mother like she has never heard before. She said it
11 made her jump. Her mother screamed no. And then there
12 was a shot. Timothy Wright shot Melinda Ford. Not in the
13 foot. Not in the hand. Mid way in the back. She went
14 down.

15 Kadasha runs outside and screams why did you shoot my
16 mama. And Timothy Wright, who you will learn is a hunter
17 and sure as heck knows what a shotgun blast will do, takes
18 the weapon he just used on that child's mother and offers it
19 to her. Shoot me.

20 She screams. She runs -- across from their mobile home
21 is another mobile home. She's looking frantically for a
22 phone. She checks her house to call 911. She asks them to
23 call 911. And the 911 calls started coming in.

24 Timothy Wright shoots himself. She hears two more
25 shots. He didn't lie down on the ground. He is not shot in

1 the back. He is able to run to his car, and his instincts
2 kicked in. He got the heck out. Left Melinda Ford bleeding
3 on the ground. Left a 15-year-old to deal with it. And the
4 police started chasing him back down Bohicket going back
5 over to Johns Island as if you were to go Maybank or back
6 downtown.

7 You will see the video report. He is making cars go
8 over to the side. He is trying to get away. He goes into a
9 neighborhood, and they have laying this way (motioning) is
10 either a railroad tie or a telephone pole that from the
11 ground stands up and is thick. He goes over it. Doesn't
12 throw the brake up. He is fleeing. A dog cage comes out of
13 the back of his truck.

14 There is a park back there called Johns Island Park
15 that has a baseball field. There is wire fence around it.
16 Timothy Wright barrels over the fence, over the ballpark,
17 over the fence on the other side, until he gets caught by
18 brush in the wooded area and can go no further.

19 ~~And his shots, they don't stop him from running again.~~
20 He evades the police. Back behind the ball field were some
21 homes that were under construction. He hides. And then in
22 the wee hours of the night when all of the hustle and bustle
23 from the ballpark has calmed down he walks back into the
24 woods, and a police officer is there and they arrest him.

25 But as he flees, after he shot that woman in the back

1 and left that little girl like he did, Kadasha is at the
2 scene trying to assist her mother. The gunshot went in the
3 back and out the front, the pellets, a shotgun blast. They
4 are thinking that is where she got shot. She is trying to
5 apply pressure to keep her mother alive.

6 Her older sister, Chrisshon who had been at work came
7 home to try to help. And gradually neighbors come. It took
8 a while for EMS to get there. And while he is hiding, those
9 little girls are trying to salvage their mother's life.

10 Ladies and gentlemen, this is murder. And Timothy
11 Wright had no more regard for human life than to take a
12 shotgun that he is familiar with and shoot a woman in her
13 back.

14 Thank you.

15 THE COURT: Mr. Smith.

16 **OPENING BY MR. SMITH:**

17 Good afternoon, ladies and gentleman, Madam Solicitor.

18 This case is a tragedy. We are not here to try to
19 dissuade you from that. We are not here to detract from
20 that. It involves the loss of a mother and the loss of a
21 daughter and the loss of a friend to a great many people.

22 It's going to be a case that pulls at your
23 heartstrings. There is no question about that. The
24 testimony that you are going to hear is going to be raw. It
25 is going to be emotional.

1 Cases can't be decided by pure emotion though. They
2 are going to be decided by the testimony you hear and the
3 evidence you see. And I ask that you pay particular
4 attention to both.

5 There are a lot of cases where the solicitor and
6 defense attorneys can't agree about a whole lot. But this
7 isn't the typical case.

8 We can agree that Melinda Ford was tragically shot on
9 this night of February 2013. We can agree that the fatal
10 shot came from the shotgun owned by my client Timothy
11 Wright. We can agree that Timothy shot himself after trying
12 to hand the shotgun to her daughter and asking her to pull
13 the trigger. We can also agree that Timothy Wright got into
14 his truck after he had been shot and he drove away. He
15 evaded the police. There's no question about that. We can
16 agree that he took refuge in a house and he waited there for
17 a period of time. If that was it, the case would be very
18 simple; but everything in this case is not so simple.

19 ~~And there are a number of things that we can't agree~~
20 about. We can't agree that Timothy Wright shot Melinda Ford
21 with malice. We cannot agree that the reasons that the
22 solicitor will tell you about why he shot himself are
23 accurate. We cannot agree about why Timothy Wright got into
24 his truck and drove away. And finally, we cannot agree
25 about why he hid in that house and eventually turned himself

1 in. But that is really why you all are here; you are here
2 to decide these things that we cannot agree on.

3 Before this trial ends you are going to see my client,
4 Timothy Wright, sit on that witness stand. He is going to
5 tell you what happened that night, how things happened that
6 night, and he is going to tell you why he made the decisions
7 he made.

8 After you hear all of that I am going to come back and
9 ask you to find Timothy Wright not guilty.

10 Thank you.

11 THE COURT: Solicitor, do you want to call your first
12 witness?

13 MS. SHEALY: Yes, Kadasha J.
14 (WHEREUPON, witness was duly sworn.)

15 THE CLERK: State your name into the microphone and
16 spell your last name for the record.

17 MS. Kadasha J.: Kadasha J.

18 **DIRECT EXAMINATION BY MS. SHEALY OF Kadasha J. :**

19 Q. Now you tell me if you need any water or anything,
20 Kadasha; okay? Would you please tell the jury how old you
21 are.

22 A. Seventeen.

23 Q. And back on February 16th of 2013 you were how old?

24 A. Fifteen.

25 Q. Where do you go to school?

- 1 A. St. Johns High School.
- 2 Q. And you need to speak up a little bit for us, okay,
3 because everybody in the jury needs to hear you and the
4 court reporter needs to write everything done; okay. So
5 will you talk a little bit louder for me?
- 6 A. (Witness nods.)
- 7 Q. What school do you go to?
- 8 A. St. Johns High School.
- 9 Q. And what grade are you in?
- 10 A. Tenth grade.
- 11 Q. And what area of town are you living in now?
- 12 A. Johns Island.
- 13 Q. And are you still living in the same home that you were
14 living in when this happened?
- 15 A. No, ma'am.
- 16 Q. Okay. Did y'all have to move?
- 17 A. Yes, ma'am.
- 18 Q. Now tell us a little bit about your family. Your
19 mother was Melinda Ford?
- 20 A. Yes, ma'am.
- 21 Q. Tell the jury what your sister's name is.
- 22 A. Chrisshon Ford Taylor.
- 23 Q. And how old is Chrisshon?
- 24 A. Twenty-one.
- 25 Q. And then you have a little brother?

- 1 A. Yes, ma'am.
- 2 Q. And what is his name?
- 3 A. Davion M.
- 4 Q. Okay. And how old is Davion now?
- 5 A. Eight.
- 6 Q. And at the time he was six?
- 7 A. Yes, ma'am.
- 8 Q. Who do you live with right now?
- 9 A. My sister Chrisshon.
- 10 Q. And Davion is living with his father now?
- 11 A. Yes, ma'am.
- 12 Q. But at the time that this happened y'all all lived
- 13 together as a family; is that correct?
- 14 A. Yes, ma'am.
- 15 Q. Does Chrisshon work?
- 16 A. Yes, ma'am.
- 17 Q. Where does she work?
- 18 A. On Kiawah and on West Ashley.
- 19 Q. Okay. And do you know what kind of work she does?
- 20 A. She is a massage therapist.
- 21 Q. Okay. And she does that on Kiawah ---
- 22 A. And ---
- 23 Q. --- and in West Ashley?
- 24 A. Uh-huh.
- 25 Q. What was the address where y'all lived in February of

- 1 2013?
- 2 A. [REDACTED] Betsy Kerrison Parkway.
- 3 Q. And how long had y'all lived in that home?
- 4 A. For like six years.
- 5 Q. Six years?
- 6 A. Yes, ma'am.
- 7 Q. What is your grandmother's name, your mother's mother?
- 8 A. Kate Ford.
- 9 Q. And what do you call her?
- 10 A. Momma.
- 11 Q. You call her Momma, okay. And do you know how old
- 12 Momma is?
- 13 A. Seventy.
- 14 Q. Where did she live in relationship to where you lived
- 15 at the time; how far away?
- 16 A. Like two minutes away.
- 17 Q. Okay. Would y'all get in a car to drive over there?
- 18 A. Yes, ma'am.
-
- 19 ~~Q. How old was your mother when she died?~~
- 20 A. Thirty-six.
- 21 Q. Thirty-six or thirty-seven?
- 22 A. (No response.)
- 23 Q. Where did she work?
- 24 A. At this place called Newton Farms.
- 25 Q. Okay. And it may just be me, but I am still going to

1 need you to talk up just a little bit.

2 THE COURT: Hold on just a second. Would one of these
3 bailiffs please come move this microphone closer to her --
4 to her where we can hear her, please.

5 (WHEREUPON, microphone was adjusted.)

6 THE COURT: All right. Ms. Jenkins, if you would just
7 lean forward and talk into the microphone. And it may sound
8 to you like you are yelling, okay; but please talk loud.
9 Thank you very much. Please proceed.

10 BY MS. SHEALY:

11 Q. Okay. So Kadasha, where did your mom work at that
12 time?

13 A. Newton Farms.

14 Q. And was Newton Farms located at that Kiawah shopping
15 center?

16 A. Yes, ma'am.

17 Q. And was it kind of a fancy Piggly Wiggly?

18 A. Yes, ma'am.

19 Q. Okay. Had your mother worked there for a long time?

20 A. Yes, ma'am.

21 Q. And had she also worked at Piggly Wiggly previously?

22 A. Yes, ma'am.

23 Q. What did she do there; do you know?

24 A. She worked in the deli.

25 Q. In the deli. Now Timothy Wright, back when this

- 1 happened did you think his last name was Williams?
- 2 A. Yes, ma'am.
- 3 Q. Okay. But you know now that it is Timothy Wright; ---
- 4 A. Yes, ma'am.
- 5 Q. --- is that right?
- 6 A. Uh-huh.
- 7 Q. And how long had he been living in your home with you
- 8 and your mother and your sister and your brother before the
- 9 happened?
- 10 A. For like five months.
- 11 Q. About five months. As you understood it, were he and
- 12 your mother boyfriend, girlfriend?
- 13 A. Yes, ma'am.
- 14 Q. And did you know him to be a hunter?
- 15 A. Yes, ma'am.
- 16 Q. Did he spend a lot of his time hunting?
- 17 A. At the beginning he ---
- 18 Q. At the what?
- 19 A. At the beginning.
- 20 Q. Okay. Let's focus your attention then on February
- 21 16th. If you would please tell the jury what were you
- 22 planning on doing that day.
- 23 A. I was going shopping for my little cousin's birthday
- 24 party.
- 25 Q. Okay. And when was that birthday going to take place?

- 1 A. The Saturday after the incident happened.
- 2 Q. Was there something particular that y'all were supposed
3 to wear or dress like?
- 4 A. The color theme was blue.
- 5 Q. Okay. And did you in fact go shopping?
- 6 A. Yes, ma'am.
- 7 Q. Who went with you?
- 8 A. Me and my mom and my grandma.
- 9 Q. Okay. And whose vehicle did y'all go in?
- 10 A. My mom's.
- 11 Q. Where did y'all go shopping?
- 12 A. We went to the Tanger Outlet and we went to City
13 Trends.
- 14 Q. City Trends. And did y'all kind of spend the afternoon
15 doing shopping?
- 16 A. Yes, ma'am.
- 17 Q. Did y'all go any place other than City Trends and
18 Tanger Outlet; did y'all go to a grocery store or ---
- 19 A. We went to the Piggly Wiggly and to the Chinese
20 restaurant.
- 21 Q. And why did you go to the Chinese restaurant?
- 22 A. My grandma said that she wasn't cooking, so she wanted
23 Chinese.
- 24 Q. Okay. Did you and your mother buy anything while y'all
25 were out for dinner for y'all?

- 1 A. No, ma'am.
- 2 Q. Did y'all buy any crabs while y'all were out?
- 3 A. Yes, ma'am.
- 4 Q. Now where do you buy those?
- 5 A. This place called Ravenel Seafood.
- 6 Q. And did y'all do that while you were out with your
- 7 grandmother?
- 8 A. Yes, ma'am.
- 9 Q. And were y'all going to have the crabs that evening?
- 10 A. Yes, ma'am.
- 11 Q. Did you grandmother buy anything while she was out with
- 12 y'all?
- 13 A. No, ma'am.
- 14 Q. Okay. So just you and your mom were shopping for
- 15 clothes and jewelry and stuff?
- 16 A. Yes, ma'am.
- 17 Q. Now when y'all are going home did you take your
- 18 grandmother over to your house or did you take her to her
- 19 house?
- 20 A. We went to her house.
- 21 Q. And after that did y'all go straight to your house?
- 22 A. Yes, ma'am.
- 23 Q. Okay. Where did the -- where does your grandmamma
- 24 live; do you know the name of the road?
- 25 A. Pumpkin Hill Road.

- 1 Q. Pumpkin Hill Road?
- 2 A. Uh-huh.
- 3 Q. When you got home who unpacked your car?
- 4 A. Me and my mom.
- 5 Q. And did y'all discover anything in the car that you had
- 6 a realization about?
- 7 A. My grandma's Chinese food.
- 8 Q. So when you went in the house what did y'all do with
- 9 the bags that you had bought while you were shopping?
- 10 A.. We separated it so we could know who was -- who goes
- 11 with who.
- 12 Q. Whose clothes were whose?
- 13 A. Uh-huh.
- 14 Q. When you got there did you realize when you drive up
- 15 that -- that Timothy Wright was at the house?
- 16 A. Yes, ma'am.
- 17 Q. How did you realize that; what did you see?
- 18 A. His car.
- 19 Q. Okay. And when your mother got in the house did she go
- 20 to the kitchen and pour a glass of wine?
- 21 A. Yes, ma'am.
- 22 Q. What was it about the -- well, let me see if I can --
- 23 (opening exhibit). Was this the little jar she poured it
- 24 in?
- 25 A. Yes, ma'am.

1 Q. And what was this jar before it was used to drink wine?

2 A. An orange jar.

3 Q. Like for mandarin oranges?

4 A. Yes, ma'am.

5 Q. Okay. So your mother poured this, and where did she go
6 inside the house?

7 A. She went inside the room.

8 Q. And let me show you some pictures. Let's kind of go
9 through your house a little bit. I am showing you State's
10 Exhibit 1.

11 THE COURT: Before we put that up, ladies and gentlemen
12 of the jury, the parties have agreed that Exhibits 1 through
13 54 are going to be admitted without objection except for
14 Number 33; Number 141, and 179 and 30, 31, and 32 have been
15 withdrawn.

16 So the exhibits you are getting ready to look at have
17 been -- the parties have agree that they -- admitted into
18 evidence and the court so finds. Please proceed. And that
19 ~~mason jar was number ...?~~

20 MS. SHEALY: Oh, yes, I'm sorry. That was State's
21 Exhibit 145.

22 THE COURT: One forty-five. Okay. So thank you very
23 much.

24 BY MS. SHEALY:

25 Q. So in just a second a photo is going -- can you see

- 1 that in front of you on your screen?
- 2 A. Uh-huh.
- 3 Q. Can you point out to the jury what that shows?
- 4 A. That is my house where my mom got shot.
- 5 Q. Okay. And that's where you lived?
- 6 A. Yes, ma'am.
- 7 Q. Can you take your finger and circle your home..
- 8 A. (Witness complied.)
- 9 Q. Okay. And then beyond that red circle is that another
- 10 home over there?
- 11 A. Yes, ma'am.
- 12 Q. And that -- just neighbors just lived there?
- 13 A. Yes, ma'am.
- 14 Q. Okay. So let me show you how -- so we are going to
- 15 clear it. Do you see how to clear it if I need you to do
- 16 that?
- 17 A. (Witness nods.)
- 18 Q. Okay. I am showing you State's Exhibit 2. It is just
- 19 a little bit closer shot. And that reflects your house and
- 20 the neighbor's house; is that correct?
- 21 A. Yes, ma'am.
- 22 Q. Okay. Now in that picture a car is parked outside one
- 23 entrance to your -- there is a white car parked in that
- 24 photograph. How did y'all park that night that you
- 25 remember?

- 1 A. She parked just like (pointing).
2 Q. Just about right there (pointing)?
3 A. Yes, ma'am.
4 Q. Was Mr. Wright's vehicle there when you got home?
5 A. Yes, ma'am.
6 Q. And can you show us on that diagram where it was
7 parked? You might can just kind of draw it.
8 A. (Witness complied.)
9 Q. Okay. And which way was it facing? Point.
10 A. (Witness complied.)
11 Q. It was pointing that way. Which way was your mother's
12 vehicle facing?
13 A. (Witness complied by pointing on diagram.)
14 Q. Okay. Now will you hit that clear button for me.
15 A. (Witness complied.)
16 Q. I am showing you State's Exhibit Number 5. Just a
17 little clearer shot closer into your home. Are those the
18 stairs that y'all would have gone up to get into your house
19 that evening?
20 A. Yes, ma'am.
21 Q. I am showing you State's Exhibit 34. Those are the
22 steps you walk up?
23 A. Yes, ma'am.
24 Q. And then State's Exhibit 35 is this showing the kitchen
25 when you walk in that door?

- 1 A. Yes, ma'am.
- 2 Q. I am showing you State's Exhibit 36. What is that
- 3 showing us; what area of the house is that leading to?
- 4 A. That is the kitchen and the living room.
- 5 Q. Okay. Point to the living room for us.
- 6 A. (Witness complied.)
- 7 Q. And in looking at this photograph which way is your
- 8 bedroom?
- 9 A. (Witness pointing.)
- 10 Q. And which way is your mother's bedroom?
- 11 A. (Witness pointing.)
- 12 Q. I am showing you 37. How about hit that clear button
- 13 for me.
- 14 A. (Witness complied.)
- 15 Q. In looking at this photograph over near that crock pot
- 16 can you show the where your washing machine and dryer are?
- 17 A. (Witness complied by indicating.)
- 18 Q. And in fact are the crabs that y'all bought that day
- 19 shown in this picture?
- 20 A. Yes, ma'am.
- 21 Q. Could you circle those?
- 22 A. (Witness complied.)
- 23 Q. Hit clear for me.
- 24 A. (Witness complied.)
- 25 Q. I am showing you State's 38. Does this show us the

1 door for your mother's bedroom?

2 A. Yes, ma'am.

3 Q. And will you just point to that door for us.

4 A. (Witness complied.)

5 Q. Okay. So after you and your mother kind of divided up
6 the clothing where did you go?

7 A. Inside my room.

8 Q. And did you put the clothing up in your room?

9 A. Yes, ma'am.

10 Q. I'm showing you State's Exhibit 40. Whose bedroom is
11 this?

12 A. My mom's.

13 Q. And those black garbage bags on the bed, we will talk
14 about those in just a second, okay. State's Exhibit 41,
15 this is the living room area?

16 A. Yes, ma'am.

17 Q. And State's Exhibit 42, where is your room in this
18 picture?

19 A. This direction (pointing).

20 Q. And 43?

21 A. (Witness pointing.)

22 Q. Is that your little brother's bicycle in that room?

23 A. Yes, ma'am.

24 Q. State's Exhibit 44, whose messy room is that?

25 A. Mine.

1 Q. Okay. And looking at that photograph do you see any of
2 the bags of the clothing that y'all had bought that day?

3 A. Yes, ma'am.

4 Q. Where -- where is that?

5 A. (Witness pointing.)

6 Q. Okay. So you are bringing your clothes back into your
7 room. And then you have to start some laundry?

8 A. Yes, ma'am.

9 Q. Did you wash your own clothes?

10 A. Yes, ma'am.

11 Q. Okay. Tell us if anything drew your attention from
12 your mother's bedroom; what did you start hearing?

13 A. I started hearing Timmy scream.

14 Q. Okay. And could you make out what was being said or
15 just how loud it was being said?

16 A. It was just how loud.

17 Q. Did you hear your mother's voice as well?

18 A. No, ma'am.

19 Q. And after you -- when you heard that were you back in
20 your room or were you in the kitchen?

21 A. I was in the kitchen.

22 Q. And what is the next thing that happens after you hear
23 that loudness?

24 A. I saw Timmy open the door and he comes inside the
25 kitchen and says he is done.

1 Q. Okay. So I am showing you State's 38 again. He comes
2 out of which room?

3 A. (Witness pointing.)

4 Q. And where are you approximately?

5 A. Right there (pointing). In between the kitchen and the
6 living room.

7 Q. And the living room, okay. When he said -- what did he
8 say, again?

9 A. I'm done.

10 Q. And did he say it quietly like you're saying it, or did
11 he say it in a different way?

12 A. He said it in a different way.

13 Q. Was he saying -- did it appear that he was saying it
14 towards you or towards your mother?

15 A. To my mom.

16 Q. What happens after he said that?

17 A. He got -- he went inside the cabinet and got some black
18 trash bags.

19 Q. ~~And what did you see him doing?~~

20 A. Packing up stuff.

21 Q. Okay. Was he packing stuff up in their bedroom or for
22 other areas of the house as well?

23 A. In their bedroom.

24 Q. What were you doing as he was going around the house
25 doing that?

- 1 A. Washing clothes.
- 2 Q. Where was your mom?
- 3 A. Inside the room.
- 4 Q. Did you go back to ask her what was going on or
- 5 anything?
- 6 A. No, ma'am.
- 7 Q. At that point were you nervous or anything?
- 8 A. No, ma'am.
- 9 Q. Okay. What is the next thing that happens?
- 10 A. I went inside -- I went back inside my room.
- 11 Q. Okay. And did you have a conversation with your mother
- 12 about where she was going to go?
- 13 A. Yes, ma'am.
- 14 Q. And where was she going to go?
- 15 A. She was going back to my grandma's house to take her
- 16 her Chinese food.
- 17 Q. Do you know whether or not Timothy had already left the
- 18 house at that point?
- 19 A. No, ma'am.
- 20 Q. What is the next thing that you hear?
- 21 A. I heard my mom scream.
- 22 Q. And was there something about her scream that startled
- 23 you?
- 24 A. Yes, ma'am, she screamed very loud.
- 25 Q. Okay. And how did you react when you heard that?

1 A. It made me jump.

2 Q. Before she walked out of the door did you see her
3 gather anything together to take outside?

4 A. Her keys.

5 Q. Okay.

6 A. Her ---

7 Q. I'm sorry.

8 A. Her keys, her phone, and her glass of wine.

9 Q. When y'all noticed that the Chinese food was in the
10 car, you left it in the car or you brought it in?

11 A. I left it in the car.

12 Q. Okay. So she told you she was heading to take that to
13 your grandmothers?

14 A. Uh-huh.

15 Q. After you hear your mother's scream what is the next
16 thing that you hear?

17 A. A gunshot.

18 Q. And what did you -- you can clear that picture for me.

19 A. (Witness complied.)

20 Q. What did you do after you heard that?

21 A. I ran to the back door.

22 Q. Okay. What did you see when you ran to the back door,
23 Kadasha?

24 A. I saw Timothy standing over my mom.

25 Q. Standing over your mother. Showing you State's

1 Exhibit 5. You walked out that back door?

2 A. Yes, ma'am.

3 Q. And is that how your mother's car was parked that
4 night?

5 A. Yes, ma'am.

6 Q. Do you remember what Timothy had on?

7 A. He had on a white shirt, some Nike slacks, and a
8 camouflage shirt.

9 Q. Camouflage shirt?

10 A. Jacket.

11 Q. Jacket. Okay. Did you get a look at the gun at that
12 point?

13 A. Yes, ma'am.

14 Q. When he was standing over -- may I get permission for
15 her to come and approach the jury, please?

16 THE COURT: Yes, ma'am.

17 Q. Can you step down for me, Kadasha.

18 A. (Witness complied by stepping down in front of jury
19 box.)

20 Q. First, let me ask you. I'm showing you what has been
21 marked as State's Exhibit 143. Do you recognize that?

22 A. Yes, ma'am.

23 MS. SHEALY: Your Honor, this weapon has been locked by
24 security.

25 THE COURT: Let me see it.

1 (WHEREUPON, exhibit, gun, given to Court for examination.)

2 THE COURT: Okay.

3 (WHEREUPON, exhibit returned to Ms. Shealy.)

4 MS. SHEALY: May I remove the lock, Your Honor?

5 THE COURT: Yes, ma'am, take it out of that box.

6 MS. SHEALY: (Complied.)

7 BY MS. SHEALY:

8 Q. Let me do it this way. Kadasha, is this the weapon
9 Timmy Wright had in his hand?

10 A. Yes, ma'am.

11 Q. Okay. I need you to stand over here, please, and look
12 towards the jury. Can you show the jury, without pointing
13 it, how he held it.

14 A. How he held it?

15 Q. Yes. If I am you, what did he do with the gun?

16 A. He would (inaudible.)

17 Q. He would shoot me?

18 THE COURT REPORTER: I can't hear her.

19 ~~THE COURT: Speak up.~~

20 Q. Let's turn this way so she can hear -- oh, well, let's
21 just do it that way, okay. What did he say?

22 A. He said he will shoot me.

23 Q. And then when he said that, where was he standing in
24 relationship to your mother?

25 A. In front of the porch.

- 1 Q. You are going to have to talk a lot louder.
- 2 A. In front of the porch.
- 3 Q. Okay. Did you see him do anything else with the weapon
- 4 towards your mother?
- 5 A. He was standing around her.
- 6 Q. Okay. Your mother is down on the ground at that point?
- 7 A. Yes, ma'am.
- 8 Q. Would you please hold this and show the jury how he did
- 9 that.
- 10 A. (Witness complied.)
- 11 Q. And what if anything did he say when he did that?
- 12 A. Huh, huh, huh.
- 13 Q. Do it a little bit louder for me.
- 14 A. Huh, huh, huh.
- 15 Q. And with the gun what was he doing?
- 16 A. Holding it towards her.
- 17 Q. Okay. You can go ahead and take your seat.
- 18 A. (Witness complied.)
- 19 Q. After he did that, what did you do?
- 20 A. I ran next-door to my next-door neighbor's house.
- 21 Q. And why did you run over there?
- 22 A. Because I wanted him to call the ambulance.
- 23 Q. Before you ran there had you looked for a phone at your
- 24 house?
- 25 A. Yes, ma'am.

1 Q. So right after Timothy did that, did you go back into
2 your house?

3 A. Yes, ma'am.

4 Q. And what were you looking for?

5 A. A phone.

6 Q. And what did you want to do with the phone?

7 A. Call 911.

8 Q. When you couldn't find one and you came back outside
9 which way did you go?

10 A. (Pointing on screen.)

11 Q. And was there anyone home at the mobile home across
12 from yours?

13 A. Yes, ma'am.

14 Q. What did you ask of them?

15 A. I asked them can they call 911.

16 Q. And what had they already done?

17 A. They were already on the phone with them.

18 Q. And when you say they, how many people were over there
19 that you could tell?

20 A. Two.

21 Q. And were they two males, two females; what?

22 A. Two males.

23 Q. And they were already on 911?

24 A. Yes, ma'am.

25 Q. What did you then do, once you knew they were on 911;

1 where did you go?

2 A. I turned around and I saw Timmy on the ground.

3 Q. He was on the ground?

4 A. Yes, ma'am.

5 Q. Had you heard anything else before that happened?

6 A. I heard another gunshot.

7 Q. And when he was on the ground where was he in
8 relationship to your mother?

9 A. Next to her.

10 Q. I am showing you State's Exhibit Number 10. Would you
11 hit that clear button for me, Kadasha. I'm sorry to have to
12 show you that, but is that where your mother was lying where
13 that sheet is over?

14 A. Yes, ma'am.

15 Q. Where was Timmy in relationship to her, if you remember
16 specifically?

17 A. (Pointing.)

18 Q. And you had already heard one more shot?

19 A. Yes, ma'am.

20 Q. What did you do then?

21 A. And then ran back over.

22 Q. Ran back over where?

23 A. To the house.

24 Q. Why were you going back over to the house?

25 A. I don't remember.

1 Q. You don't remember. Was all of this happening pretty
2 quickly?

3 A. Yes, ma'am.

4 Q. What is the next thing that you do specifically
5 remember doing; do you hear anything else?

6 A. No, ma'am.

7 Q. Do you remember whether you heard a third shot?

8 A. I don't remember.

9 Q. Okay. Well, tell us what did Timmy do; what did you
10 see Timmy do?

11 A. I saw him. He got up.

12 Q. And what did he do when he got up?

13 A. He ran to the car and he drove off.

14 Q. Did you do anything with that gun before he drove off?

15 A. Yes, ma'am.

16 Q. What did you do?

17 A. I removed it from where they were. I moved it back.

18 Q. Moved it back. Do you remember which way you moved it?

19 A. Just behind.

20 Q. Can you show us on that?

21 A. (Witness complied.)

22 Q. Just moved it there?

23 A. Yes, ma'am.

24 Q. Why did you do that?

25 A. I don't remember.

1 Q. Okay. Well, were you trying to get away from them ---

2 A. Yes, ma'am.

3 Q. --- from him?

4 A. Yes, ma'am.

5 BY MS. SHEALY: Beg the court's indulgence.

6 Q. You had mentioned before that he had on a camouflage
7 jacket. I'm showing you State's 165. Well, I tell you
8 what, let me show you a photograph of it. First of all, can
9 you look in here and see whether that's a camouflage jacket?

10 A. Yes, ma'am.

11 Q. I'm showing you State's Exhibit 138. I ask you does
12 that appear to be the jacket that he had on?

13 A. Yes, ma'am.

14 Q. Were you able to call 911?

15 A. After I came back over and he was gone, I ran over to
16 my mom and I digged in her back pocket and called 911.

17 Q. You got her phone ---

18 A. Yes, ma'am.

19 Q. --- out of her pocket? And tell the jury a little bit
20 about how frustrated it was. Because did it take a while
21 for EMS to get there?

22 A. Yes, ma'am.

23 Q. And how was that making you feel?

24 A. It was making me upset.

25 Q. Was your mother able to talk to you?

1 A. No, ma'am.

2 Q. Did it --- where did it appear to you that she had been
3 shot?

4 A. In her chest.

5 Q. And why is that?

6 A. Because when -- when she was laying on the ground she
7 had a gunshot wound right there (pointing).

8 Q. And was it bleeding?

9 A. (Witness nods head.)

10 Q. Just open?

11 A. Yes, ma'am.

12 Q. When you were talking to 911 did they give you
13 instruction as to how to stop the bleeding?

14 A. Yes, ma'am.

15 Q. Okay.

16 MS. SHEALY: Your Honor, at this time we would request
17 to play the 911 recording. It is my understanding without
18 objection.

19 ~~THE COURT: That is not the one you object to?~~

20 MR. SMITH: That's correct.

21 MS. SHEALY: That's correct.

22 THE COURT: All right. That is fine.

23 Q. While we are waiting for that to come up ---
24 (WHEREUPON, audio started.)

25 MS. SHEALY: Can you hold it just for a second.

1 BY MS. SHEALY:

2 Q. While -- let me just ask you one question. You
3 indicated that he ran back to his car -- his truck and took
4 off; is that right?

5 A. Yes, ma'am.

6 Q. Was there a certain sound that his truck made before he
7 was pulling out that you noticed?

8 A. It was like he made a like he was going -- kind of like
9 he was going back, but then he ended up like speeding off.

10 Q. Okay. Then we are now going to listen to that first
11 911 recording.

12 MS. SHEALY: Your Honor, for the record this is State's
13 140.

14 THE COURT: One what; one forty?

15 MS. SHEALY: One forty.

16 THE COURT: Okay.

17 (WHEREUPON, CD of 911 audio was played, from approximately
18 4:13 p.m. to 4:22 p.m.)

19 BY MS. SHEALY:

20 Q. Okay. So Kadasha, a couple of things. There are some
21 other voices on there. There is a male voice. Was that one
22 of the men who lived in the other mobile home?

23 A. Yes, ma'am.

24 Q. And when there was periods of silence what were you
25 doing; were you with your mother at that point?

1 A. I don't remember.

2 Q. Okay. Does Chrisshon come on the scene as we are
3 listening to that?

4 A. Yes, ma'am.

5 Q. And Chrisshon is your older sister?

6 A. Yes, ma'am.

7 Q. And in fact she gets on a 911 call as well, doesn't
8 she?

9 A. Yes, ma'am.

10 Q. Now let's go back for one second.

11 (WHEREUPON, CD audio started to play.)

12 MS. SHEALY: I am not quite ready for that.

13 (WHEREUPON, CD audio was stopped.)

14 Q. Let's go back for one second. When you took the gun
15 and moved it away from where Timmy and your mother were, do
16 you remember what part of the gun you touched?

17 A. Like the middle.

18 Q. Right in here (pointing)?

19 A. Yes, ma'am.

20 Q. Okay. And when the 911 dispatcher is telling you to
21 put pressure on your mother were you doing that?

22 A. Yes, ma'am.

23 Q. Okay. And then Chrisshon showed up?

24 A. Yes, ma'am.

25 Q. I am showing you State's Exhibit 6. Is Chrisshon's

1 automobile in that photograph?

2 A. Yes, ma'am.

3 Q. Where is it?

4 A. (Pointing.)

5 Q. Okay. And whenever Chrisshon came what did she start
6 doing with her mother?

7 A. She took over.

8 Q. And at some point during her 911 call does she hand the
9 phone to you?

10 A. Yes, ma'am.

11 MS. SHEALY: Your Honor, at this time we would like to
12 play from State's Exhibit 141, the portion of that 911 call
13 that Kadasha is on. This is not the one that there is an
14 objection to.

15 THE COURT: Okay.

16 (WHEREUPON, CD audio from Exhibit 141, Part One, was played;
17 approximately 4:24 p.m. to 4:30 p.m.)

18 Q. Okay, Kadasha, so when you took the phone from
19 Chrisshon you were giving the directions to Chrisshon as to
20 what to do to try to save your mother?

21 A. Yes, ma'am.

22 Q. Okay. And you were just repeating what the dispatcher
23 told you?

24 A. Yes, ma'am.

25 Q. When you first saw your mother after you heard the

1 first shot was she down on her back?

2 A. Yes, ma'am.

3 Q. Okay. And that is why you thought she had been shot
4 here (pointing) because you only saw the front?

5 A. Yes, ma'am.

6 Q. Did you ever see her back?

7 A. No, ma'am.

8 Q. And when there are their voices were you also talking
9 to the two guys who lived in the other trailer?

10 A. Yes, ma'am.

11 Q. Tell us about this, did family members start coming
12 over there?

13 A. Not yet.

14 Q. At some point that evening they do?

15 A. Yes, ma'am.

16 Q. And like who was coming?

17 A. Aunts, uncles, sisters.

18 Q. Do a lot of your family live out in that same area?

19 ~~A. Yes, ma'am.~~

20 Q. And so as the evening progressed there were family
21 members coming to the house?

22 A. Yes, ma'am.

23 Q. I'm showing you what has been marked as State's Exhibit

24 22. Well, actually before that let's do State's Exhibit 17.

25 That is your mother's vehicle; is that right?

- 1 A. Yes, ma'am.
- 2 Q. Can you recognize in that photograph your mother's
- 3 keychain?
- 4 A. Yes, ma'am.
- 5 Q. Where is it located; circle that for me.
- 6 A. (Witness complied.)
- 7 Q. Okay. And then showing a closer up shows of that
- 8 State's 22. There is your mother's keychain?
- 9 A. Yes, ma'am.
- 10 Q. And is that Davion, little picture on the chain?
- 11 A. Yes, ma'am.
- 12 Q. Is that your -- what else -- is that your mother's
- 13 wallet, or is that part of the keychain too?
- 14 A. That is her wallet.
- 15 Q. Her wallet. And these are the items that she took out
- 16 from the house to try to go take the Chinese food back?
- 17 A. Yes, ma'am.
- 18 Q. I am showing you State's 20. I can't tell in that
- 19 photo if the mason jar is in there or not with that light
- 20 shining. Can you see it?
- 21 A. (Pointing.)
- 22 Q. Where?
- 23 A. (Pointing.)
- 24 Q. Oh, okay. And that is the mason jar that she had
- 25 poured the wine?

1 A. Yes, ma'am.

2 Q. Now in that Timmy had gotten in the car and left were
3 you also concerned that he might come back?

4 A. Yes, ma'am.

5 Q. When we were looking at your mother's bedroom earlier,
6 showing you State's Exhibit 40, are those the type of black
7 garbage bags that he started packing his stuff in?

8 A. Yes, ma'am.

9 Q. And while you were out there -- showing you State's
10 Exhibit 27. I'm not sure if you saw it or not; but did you
11 see that black garbage bag out there that evening, or were
12 you not focusing in that area?

13 A. I wasn't focused.

14 Q. Okay. Now the last 911 phone call ends when the police
15 finally get there, right?

16 A. Yes, ma'am.

17 Q. Later after -- there were several policemen that
18 continued to report to the scene; is that right?

19 A. Yes, ma'am.

20 Q. Do you remember a detective, Julius Alexander, an
21 African-American detective?

22 A. Yes, ma'am.

23 Q. Okay. Did you at some point give a statement to him
24 that evening?

25 A. Yes, ma'am.

- 1 Q. And was it in fact a six-page statement?
- 2 A. Yes, ma'am.
- 3 Q. And was he asking you to give the details of what
- 4 happened that evening?
- 5 A. Yes, ma'am.
- 6 Q. Did he ask you if you wanted to write it or if he
- 7 should write it?
- 8 A. He asked me if I wanted to write it, and I told him if
- 9 he was able to write it.
- 10 Q. Why did you want him to write it?
- 11 A. So I could think things through and ---
- 12 Q. And not have to write it at the same time? And that
- 13 was in a vehicle that was right out in between the two
- 14 trailers; is that right?
- 15 A. It was off the road.
- 16 Q. Oh, where was it?
- 17 A. It was in the (pointing.) In here.
- 18 Q. Oh, off Betsy Kerrison?
- 19 A. Yes, ma'am.
- 20 Q. Okay. So let's see. So going back to State's
- 21 Exhibit 1, show what Betsy Kerrison is.
- 22 A. (Witness complied.)
- 23 Q. Okay. And obviously one -- two lanes go one way; two
- 24 lanes go the other?
- 25 A. Yes, ma'am.

1 Q. And so Julius Alexander was parked in that median area
2 and that is where you sat in the car that same evening and
3 gave your statement; ---

4 A. Yes, ma'am.

5 Q. --- is that correct?

6 A. Yes, ma'am.

7 Q. And you told us today what you told Julius Alexander
8 the night in question?

9 A. Yes, ma'am.

10 MS. SHEALY: I beg the court's indulgence just a
11 moment.

12 THE COURT: Yes, ma'am.

13 BY MS. SHEALY:

14 Q. Kadasha, I am finished with my questions. The defense
15 is going to answer -- ask you some. So answer the questions
16 from them, okay. Thank you.

17 THE COURT: Mr. Smith, cross-examination.

18 MR. SMITH: Thank you, Your Honor.

19 ~~CROSS-EXAMINATION BY MR. SMITH OF~~ Kadasha J.

20 Q. Good afternoon, Ms. Jenkins. I just have a few
21 questions for you. Going back in time to the day this
22 happened did -- when you got to the house that day did you
23 speak at all to Timothy?

24 A. I don't remember.

25 Q. You don't remember. Do you remember if he ever gave

1 you a telephone that day?

2 A. Yes.

3 Q. He did.

4 A. Yes.

5 Q. Okay. And it was a phone from Boost Mobile, or do you
6 remember?

7 A. Yes.

8 Q. Now when you say Timmy packed up a few of his things,
9 you didn't see him -- you never saw him go outside of the
10 house though?

11 A. No, sir.

12 Q. Okay. But you had a conversation with your mother at
13 some point ---

14 A. Yes.

15 Q. --- inside the house?

16 A. Yes, sir.

17 Q. If you would if you would just take a look at that
18 photo that is up there. Can you show me again where you
19 think Timothy's car was parked that night?

20 A. (Witness complied, pointing on the screen.)

21 Q. And which direction did you say it was pointing in?

22 A. (Pointing.)

23 Q. Okay. And when you saw him drive away did he take a
24 path straight out, or how did he go out?

25 A. He went (motioning on screen).

- 1 Q. Okay. I want to just make sure that I am kind of clear
2 on when you heard certain things, okay. As far as where
3 were you when you heard the first shot?
- 4 A. I was in the house.
- 5 Q. You were inside the house. Were you -- which portion
6 of the house were you in?
- 7 A. I was inside my room.
- 8 Q. Inside your room. And did you immediately come out?
- 9 A. Yes, sir.
- 10 Q. And after you came outside do you remember where you
11 went from there?
- 12 A. I went to the next-door neighbor's house.
- 13 Q. You went directly to the neighbor's house?
- 14 A. Yes, sir.
- 15 Q. Okay. And was it at that time that you heard the
16 second shot?
- 17 A. Yes, sir.
- 18 Q. And then did you tell the solicitor that you weren't
19 ~~sure if you heard two or three shots?~~
- 20 A. I didn't -- I wasn't sure about the third shot. I
21 don't remember that.
- 22 Q. Okay. When you were at the neighbor's and you heard
23 the second shot was that when you came back to your
24 place ---
- 25 A. Yes, sir.

- 1 Q. --- or did you stay at the house?
- 2 A. I think I -- I can't remember.
- 3 Q. You don't remember?
- 4 A. No.
- 5 Q. Okay. You said that you saw Timmy laying on the ground
- 6 by your mother; is that correct?
- 7 A. Yes, sir.
- 8 Q. And were you able to see that he had been shot at that
- 9 time as well?
- 10 A. I don't
- 11 Q. No? When did you realize that he had been shot?
- 12 A. When I heard the second gunshot.
- 13 Q. So you didn't actually see anything, you just assumed
- 14 that he had ---
- 15 A. Yes, sir.
- 16 Q. --- shot himself?
- 17 A. Yes, sir.
- 18 Q. When you first went outside and did you immediately go
- 19 over to your mother or did you go straight to the neighbor's
- 20 house?
- 21 A. I went straight to the neighbor's.
- 22 Q. Did you see your mother right at the beginning?
- 23 A. When he shot her?
- 24 Q. Uh-huh.
- 25 A. Uh-huh.

1 Q. So you saw her and then ran to the neighbor's
2 house; ---

3 A. Yes, sir.

4 Q. --- is that correct? And you indicated that Timothy
5 tried to hand you the gun at one point; is that right?

6 A. Yes, sir.

7 Q. And he asked you to shoot him; ---

8 A. Yes, sir.

9 Q. --- is that right? And when he did that, you ran away;
10 is that correct?

11 A. I told him no.

12 Q. You told him no. And then did you stay there or did
13 you leave?

14 A. I left.

15 MR. SMITH: Beg the court's indulgence, Your Honor.

16 THE COURT: Yes, sir.

17 MR. SMITH: That's all the questions I have, Your
18 Honor.

19 ~~THE COURT: Okay. Any redirect?~~

20 MS. SHEALY: I beg the court's indulgence just one
21 moment.

22 **REDIRECT EXAMINATION BY MS. SHEALY OF Kadasha J.** :

23 Q. Kadasha, Mr. Smith asked you about a Boost Mobile
24 phone. When -- when did Mr. Wright give you that phone?

25 A. When I was in the kitchen.

1 Q. Before any shooting occurred; is that right?

2 A. Yes, ma'am.

3 Q. And did he give that to you for it to be yours?

4 A. Yes, sir -- yes, ma'am.

5 Q. Okay. That's okay. And do you know whether he went
6 and picked it up for your mother or anything; do you know?

7 A. No.

8 Q. But he gave you a Boost phone before all of this
9 happened?

10 A. Yes.

11 Q. So when all of this happened did you have your phone
12 set up?

13 A. I just took it into the room and I

14 Q. So it wasn't charged or anything yet?

15 A. I don't remember.

16 Q. Okay. You haven't used the phone yet?

17 A. Huh-uh.

18 Q. Did you even think about that phone when you were
19 looking for a phone?

20 A. No, ma'am.

21 Q. Okay. Very good. Thank you. I have nothing else.

22 THE COURT: Recross?

23 MR. SMITH: Nothing else, Your Honor.

24 THE COURT: Ms. Jenkins, you may step down. Thank you
25 very much.

1 MS. SHEALY: Your Honor, we would call Leonard Maxwell.

2 May we approach just for a second, Your Honor?

3 THE COURT: Yes, ma'am.

4 (WHEREUPON, bench conference was had.)

5 (WHEREUPON, the witness was duly sworn.)

6 THE CLERK: State your name into the microphone and
7 spell your last name for the record.

8 MR. MAXWELL: Leonard Maxwell, M-A-X-W-E-L-L.

9 **DIRECT EXAMINATION BY MS. SHEALY OF LEONARD MAXWELL:**

10 Q. Mr. Maxwell, where are you from?

11 A. Johns Island.

12 Q. Have you lived in South Carolina all your life?

13 A. Yeah.

14 Q. I want you to if you would please focus your attention
15 back to February 16th of 2013.

16 A. Right.

17 Q. Did you have the occasion to be over at Darrell Ravenel
18 -- or Darren Ravenel's mobile home that late afternoon?

19 ~~A. Yes, I was living with him.~~

20 Q. You were living with him at that time?

21 A. Uh-huh.

22 Q. And showing you State's Exhibit 1, this will show up on
23 that screen right in front of you. Can you circle where
24 your trailer was; can you orient yourself to that picture?

25 A. This here?

1 Q. Uh-huh.

2 A. (Witness complied.)

3 Q. And were it just you and Mr. Ravenel in your mobile
4 home that afternoon?

5 A. Yes.

6 Q. Did something happen in the afternoon hours that drew
7 your attention?

8 A. Heard gunshots.

9 Q. Okay. And when you heard gunshots where were you?

10 A. In the house.

11 Q. After you heard the first one what did you do?

12 A. Ran outside to the porch.

13 Q. And when you went to the porch area could you see over
14 to where Ms. Melinda lived?

15 A. She was laying on the ground.

16 Q. Okay. Did you know Timmy Wright?

17 A. No.

18 Q. Did you see a male there that afternoon, a guy? Did
19 you see a guy over there that afternoon?

20 A. Yes.

21 Q. Okay. And but you just didn't know him personally?

22 A. No.

23 Q. What was he doing when you saw Melinda on the ground?

24 A. I think I saw him shot the gun again, I believe, and
25 standing over her, and laying next to her on the ground,

1 talking to her.

2 Q. He was talking to her?

3 A. Uh-huh.

4 Q. And she was down after the first shot?

5 A. I guess. I heard the first shot. That's when I went
6 outside. I guess.

7 Q. Well, okay, let me ask it to you this way: You hear a
8 shot?

9 A. Right.

10 Q. When you look out your porch where is Ms. Melinda?

11 A. On the ground.

12 Q. And you had heard one shot at that point?

13 A. After the second shot.

14 Q. And then you heard a second shot?

15 A. Yeah.

16 Q. Did you ever see Mr. Wright with the gun pointed at
17 himself?

18 A. Right.

19 ~~Q. Tell us about that.~~

20 A. After everything had unfold he put the gun in his mouth
21 like this (motioning) and said he was going to kill himself.
22 I said no. And then he shot himself twice.

23 Q. After ---

24 A. Then ---

25 Q. I'm sorry. Stand up and show us -- with the court's

1 permission. Just stand up and point at your body.

2 A. Somewhere here (pointing), and somewhere there
3 (pointing).

4 Q. Okay. And after that did you see where he went?

5 A. Yeah, he got in his truck. Out the parking lot and
6 turned left. And I left.

7 Q. Prior to hearing that first shot had you heard any
8 arguing over there?

9 A. No.

10 Q. And after the shot did you see one of Melinda's
11 children over to where y'all were?

12 A. I think that was her daughter.

13 Q. And what was she needing?

14 A. Needing?

15 Q. What did she want from y'all?

16 A. Help I guess.

17 Q. Okay. Well, did she ask for someone to call 911?

18 A. Right.

19 Q. And could you tell us whether anyone there called 911?

20 A. Darren.

21 Q. Now at some point when -- Kadasha is the young girl's
22 name?

23 A. Right.

24 Q. When she was out there tending to her mother you were
25 also out there in the same area; is that right?

1 A. Right.

2 Q. And at some point are you on the phone with 911 as
3 well?

4 A. No.

5 Q. But you are out there while she puts the phone down and
6 is tending to her mother; is that right?

7 A. Right.

8 MS. SHEALY: Your Honor, at this time we would ask to
9 play the 911 recording that has been previously marked as
10 State's Exhibit 140.

11 THE COURT: Okay.

12 (WHEREUPON, CD audio, State Exhibit 140, was played;
13 approximately 4:50 p.m. to 4:52 p.m.)

14 Q. Now while you were out there could you describe to the
15 jury what the young girl was doing; was she stationary or
16 was she going back and forth places when it first happened?

17 A. Place to place.

18 Q. Do what?

19 ~~A. Place to place.~~

20 Q. Okay. And when you say place to place what are you
21 talking about?

22 A. In the house, out of the house, by it, over where we
23 stay, in the yard.

24 Q. Okay. And during that part when we can hear your voice
25 more than we can hear her voice you are telling her what to

1 do to her mother?

2 A. Yes.

3 Q. Like applying pressure?

4 A. Uh-huh, I saw that on TV.

5 Q. Okay. The weapon that was out there.

6 A. Right.

7 Q. Does the young girl do anything with the weapon while
8 you are out there?

9 A. She grabs it one time and moves it out of the way.

10 Q. Slid it away?

11 A. Uh-huh.

12 MR. SMITH: Beg the court's indulgence just a moment.

13 I have no further questions. Please answer any that the
14 defense may have.

15 THE COURT: Cross-examination.

16 MR. MAXWELL: All right.

17 **CROSS-EXAMINATION BY MR. SMITH OF MR. MAXWELL:**

18 Q. Good afternoon, Mr. Maxwell. I just have a few
19 questions for you, okay?

20 A. All right.

21 Q. After this incident did you ever talk to police?

22 A. Yes.

23 Q. Did you ever give them a statement of any kind?

24 A. Tell them where the gun was.

25 Q. You told them where the gun was. Did they make you

1 write down a statement or anything like that?

2 A. No.

3 Q. Now was that the first time on this day that you had

4 seen Timothy Wright?

5 A. No.

6 Q. So you had seen him over there in the past; is that ---

7 A. Yeah, but I never talked to him.

8 Q. You never talked to him.

9 A. No.

10 Q. But you had seen him?

11 A. Right.

12 Q. Okay. So after you hear the first shot you went

13 outside to your porch?

14 A. Right.

15 Q. Did you go over to the other house immediately, or did

16 you stay on your porch?

17 A. I stayed on the porch.

18 Q. You stayed on the porch. And from the porch is that

19 ~~where you saw Timothy attempt to shoot himself?~~

20 A. Well, you are fast forwarding, yeah; but he looked like

21 he was coming towards, you know, where I live.

22 Q. Okay.

23 A. Put the gun like this (motioning.) And I said no, you

24 are not going to shoot yourself. And then he starts and

25 shoot himself here and here (motioning). Two shots.

1 Q. Okay. And so well I don't want to fast-forward you.

2 So from the porch where did you go at that point?

3 A. I stayed right there until he left, basically.

4 Q. So you stayed on your porch until he left?

5 A. Basically.

6 Q. But you talked to him at some point; is that right?

7 A. Yeah, what I just said.

8 Q. Okay. And then when you are over after he leaves when
9 you are over there, at some point did Ms. Ford's daughter
10 hand you the gun or give you the gun?

11 A. Slide the gun. She slide -- she slid the gun.

12 Q. She slid the gun to you?

13 A. She just slid it behind her.

14 Q. Okay. So she never gave it to you?

15 A. No.

16 MR. SMITH: Beg the court's indulgence, Your Honor. I
17 have no another questions, Your Honor.

18 THE COURT: Any redirect?

19 MS. SHEALY: No, sir. And may this witness be excused?

20 THE COURT: Any objection?

21 MR. SMITH: No objection. All right. Thank you, Mr.
22 Maxwell. You may be excused.

23 THE COURT: See the attorneys up here just a second.
24 (WHEREUPON, bench conference was had.)

25 THE COURT: All right. Madam forelady, ladies and

1 gentlemen of the jury, it is about five or ten minutes until
2 5:00 at this time, and this would be a good stopping point
3 rather than running on to 5:30 or 6:00. I don't know how
4 long the next witness is going to take.

5 I will tell you again what I told you earlier. Please
6 don't do any research on the internet or the computer or
7 texting anyone or do any studying of this case or reading
8 any newspaper articles on the websites. I want you to
9 decide it according to what you hear in the courtroom, not
10 what some reporter wrote in the paper or someone puts on the
11 website.

12 So don't do any type of electronic investigation or any
13 type of electronic communication with anybody about the case
14 or talk with anyone about the case nor talk amongst
15 yourselves about the case until the end of the case.

16 We will start back in the morning at 9:30. Be in the
17 jury room at 9:30 and we will be started at that time. See
18 you in the morning. Have a good evening.

19 ~~(WHEREUPON, jury left the courtroom at 4:56 p.m.)~~

20 THE COURT: All right. Anything from the State before
21 we adjourn?

22 MS. SHEALY: No, Your Honor.

23 THE COURT: I understand on that nine -- second portion
24 of the tape on 911 concerning I guess Mr. Ravenel's 911 call
25 you are going to withdraw that; is that correct?

1 MS. SHEALY: That is correct.

2 THE COURT: All right. I had it marked as Court's
3 Exhibit Number 1. I will give it back to you.

4 MS. SHEALY: Oh, the transcript?

5 THE COURT: Yes, the transcript.

6 (WHEREUPON, Court's Exhibit Number 1 was withdrawn and
7 returned to Ms. Shealy.)

8 Anything from the defense before take -- well, before
9 we break?

10 MR. SMITH: No, Your Honor.

11 THE COURT: All right. See you at 9:30.

12 (WHEREUPON, recessed February 2, 2015, at 4:58 p.m.)

13 (WHEREUPON, trial resumed February 3, 2015, with bench
14 conference and without jury.)

15 THE COURT: I understand State's Exhibit 33 which is a
16 photograph the defense has an objection to that; is that
17 correct, and you would like to take that up at this time
18 while we are waiting on the jurors?

19 MR. SMITH: That is correct, Your Honor. Our objection
20 to that photo is we think it is cumulative. We think the
21 injury shown in that photo is also covered by State's
22 Exhibit Picture Number 128.

23 THE COURT: I think it is State's Exhibit 128 is an
24 autopsy picture; is that correct?

25 MS. SHEALY: That is correct.

1 THE COURT: And this is a picture that was taken at the
2 scene; is that correct?

3 MS. SHEALY: That is correct, Your Honor.

4 THE COURT: Okay. Any other objections other than you
5 think it is cumulative?

6 MR. SMITH: No, Your Honor.

7 THE COURT: All right. Let me hear from the State.

8 MS. SHEALY: Your Honor, there were other photographs
9 at one point we contemplated putting in; but they are
10 difficult to look at and I was a bit cautious about trying
11 those. Those were the three that we withdrew.

12 This photograph is as antiseptic as it could be to me a
13 shot from the scene. I think that it is important for the
14 jury to see what condition she was left in. It is important
15 to how the wound appears, as to how close the shooting was
16 towards her. And I think that it is appropriate and it is
17 not inflammatory.

18 The autopsy photo is so antiseptic. That is after she
19 has been cleaned. It doesn't really show where it is on the
20 rest of her body, and I think it is important for the jury
21 to be able to see that this is ---

22 THE COURT: But what does the autopsy -- I mean what --
23 what do they say the ---

24 MS. SHEALY: Do what? I'm sorry.

25 THE COURT: --- the projectile was; I mean what kind of

1 caliber; was it a shotgun?

2 MS. SHEALY: It is a shotgun with pellets. And it was
3 so close that it enters ---

4 THE COURT: What kind of pellets?

5 MS. SHEALY: It is a 12-gauge ---

6 THE COURT: Number what? Do you know?

7 MS. SHEALY: Hold on just a second.

8 THE COURT: Have y'all got them down there?

9 THE COURT REPORTER: They logged them in last night
10 with the clerk's office.

11 THE COURT: Pardon?

12 THE COURT REPORTER: They took them downstairs to the
13 clerk's office and locked them up and brought them back this
14 morning.

15 THE COURT: Okay.

16 MS. SHEALY: What the SLED analyst said, that it was
17 .33 diameters of lead for each of the pellets.

18 THE COURT: All right. Anything else from the defense?

19 MR. SMITH: Nothing else, Your Honor.

20 THE COURT: How about hand me those cartridges up here,
21 please.

22 (WHEREUPON, cartridges were provided to the court.)

23 THE COURT: Thank you. If y'all need the cartridges or
24 the shotgun shells, they are up here.

25 (WHEREUPON, shells were provided to the court.)

1 THE COURT: Are these live?

2 THE CLERK: Yes.

3 THE COURT: Okay. The live ones are up here. Here's
4 the spent. I don't need the spent. They won't fire again.

5 MS. SHEALY: I'll just need those back when I put my
6 evidence custodian up.

7 Judge, I think there are some live rounds in this as
8 well.

9 THE COURT: Where?

10 MS. SHEALY: This bag.

11 THE COURT: Let me have them. If y'all -- when y'all
12 need this, let me know.

13 MS. SHEALY: Okay.

14 (WHEREUPON, various exhibits were secured behind the Court's
15 bench.)

16 THE COURT: All right. Having listened to the
17 arguments and looking at the photograph on State's Exhibit
18 Number 33 the picture depicts the scene, the crime scene;
19 ~~and the other similar pictures just merely depicts the~~
20 autopsy report. And the court finds there is some probative
21 value as to State's Exhibit Number 33. It is not
22 cumulative. And admit State's Exhibit Number 33 with
23 objection.

24 MS. SHEALY: Thank you, Your Honor.

25 THE COURT: All right. Have we got the jurors yet?

1 THE CLERK: One.

2 THE COURT: We are waiting on one. Okay.

3 (WHEREUPON, break awaiting juror at 9:45 a.m.)

4 (WHEREUPON, bench conference was had 9:46 a.m.)

5 THE COURT: We will adjourn until the juror gets here.

6 (WHEREUPON, trial was adjourned 9:46 a.m.)

7 (WHEREUPON, trial resumed 10:11 a.m.)

8 MS. SHEALY: Your Honor, while we are waiting we do
9 have a stipulation that we have agreed to that I could have
10 marked.

11 THE COURT: Okay.

12 MS. SHEALY: Do you prefer to have that marked as a
13 State's exhibit or as a Court's exhibit?

14 THE COURT: I want Court's exhibit.

15 (WHEREUPON, Court's Exhibit Number 2, stipulation, was
16 marked for identification.)

17 MS. SHEALY: Judge, what I usually do - tell me your
18 preference - is at the appropriate time read the stipulation
19 in. Does that suit you?

20 THE COURT: Yeah, that is fine. That is fine. Do you
21 want me to read it, or do you want to read it?

22 MS. SHEALY: I will read it.

23 THE COURT: What is the stipulation?

24 MS. SHEALY: It is a DNA stipulation.

25 THE BAILIFF: We are ready to go.

1 THE COURT: Are you ready?

2 THE BAILIFF: Yes, sir.

3 THE COURT: Okay. Bring us the jury.

4 (WHEREUPON, jury enters 10:16 a.m.)

5 THE BAILIFF: All jurors are present, Your Honor.

6 THE COURT: Okay. Thank you very much. Solicitor, if
7 you will call your next witness, please.

8 MS. SHEALY: Chrisshon Ford.

9 (WHEREUPON, the witness was duly sworn.)

10 THE CLERK: State your name into the microphone and
11 spell your last name for the record.

12 THE WITNESS: It is Chrisshon Ford-Hayward, F-O-R-D,
13 hyphen, H-A-Y-W-A-R-D.

14 **DIRECT EXAMINATION BY MS. SHEALY OF CHRISSHON FORD-HAYWARD:**

15 Q. And Chrisshon, tell the jury if you would please how
16 old are you.

17 A. Twenty-one.

18 Q. So you were 19 when your mother died?

19 A. Yes.

20 Q. And if you would tell the jury where you are living
21 now.

22 A. Johns Island.

23 Q. Not at Betsy Kerrison any longer?

24 A. No, ma'am.

25 Q. Kadasha lives with you?

- 1 A. Yes, ma'am.
- 2 Q. And your little brother now lives with his father?
- 3 A. Yes, ma'am.
- 4 Q. But prior to this he lived with y'all?
- 5 A. Yes, ma'am.
- 6 Q. Where are you working now?
- 7 A. I work out on Kiawah Island and in West Ashley as a
- 8 massage therapist.
- 9 Q. Okay. And how long have you been doing that kind of
- 10 work?
- 11 A. Almost two years now.
- 12 Q. And is West Ashley is that -- what is the name of that
- 13 massage ---
- 14 A. Massage Envy.
- 15 Q. Massage Envy, okay. And so the Kiawah location is
- 16 close to you?
- 17 A. Yes, ma'am.
- 18 Q. Back on February 16th of 2013 were you working at those
- 19 two locations or were you working somewhere else?
- 20 A. I was working on Kiawah.
- 21 Q. Not yet at Massage Envy?
- 22 A. Right.
- 23 Q. Where did you go to high school?
- 24 A. St. Johns High.
- 25 Q. And tell the jury if you would please in the afternoon

1 hours of February 16th where were you that day?

2 A. I was at work until about six o'clock p.m.

3 Q. And did you get a phone call about what was going on at
4 the house?

5 A. No, ma'am.

6 Q. So tell the jury when you got off work you went where?

7 A. I went straight home.

8 Q. And when you approached your home what did you see
9 going on?

10 A. When I was driving up in the driveway Leonard Maxwell
11 he stopped me and told me what was going on. And that is
12 when I got out of my car and went up to the porch.

13 Q. Okay. So you had no idea before you got there that
14 that was going on?

15 A. No, ma'am.

16 Q. And when you got there what did you do?

17 A. Called 911.

18 Q. Now I'm showing you what has been marked as State's
19 ~~Exhibit Number 6. It is going to come up right on that~~
20 monitor in front of you.

21 A. Okay.

22 Q. Is your car depicted in that photograph?

23 A. Yes, ma'am.

24 Q. And show us your car.

25 A. Right here (pointing.)

DIRECT EXAMINATION BY MS. SHEALY OF CHRISSHON FORD-HAYWARD 191

1 Q. When you called 911 did you begin rendering some aid to
2 your mother?

3 A. Yes, ma'am. At first I got on the phone. And then she
4 asked me what happened. But I didn't know exactly what
5 happened so I gave the phone and message to Kadasha, and
6 then she gave me directions for CPR.

7 Q. Okay.

8 MS. SHEALY: Beg the court's indulgence for just a
9 moment.

10 THE COURT: Yes, ma'am.

11 BY MS. SHEALY:

12 Q. So as you were working on your mother, Kadasha then
13 started talking to 911 again?

14 A. Yes, ma'am.

15 Q. Was there anybody else outside other than you and your
16 sister and Leonard Maxwell when you came up?

17 A. Not that I can remember.

18 Q. Later do more people start showing up?

19 A. Yes, ma'am.

20 Q. When you got there was Kadasha upset that EMS had not
21 gotten there yet?

22 A. Yes, ma'am.

23 Q. And when you saw your mother was she laying on her
24 back?

25 A. Yes, ma'am.

1 MS. SHEALY: Your Honor, at this time we would
2 ask to play State's Exhibit 141, a portion of Ms.
3 Ford-Hayward's ---

4 THE COURT: Okay.

5 MS. SHEALY: --- 911 call.

6 THE COURT: Okay.

7 (WHEREUPON, CD audio played.)

8 BY MS. SHEALY:

9 Q. So Chrisshon, as you are getting there you don't know
10 what had happened prior to your getting there; is that
11 right?

12 A. Right.

13 Q. And when you are calling 911 they are asking you
14 questions that you don't yet know the answer to; ---

15 A. Right.

16 Q. --- is that fair to say?

17 A. Uh-huh.

18 Q. Okay. Now when you were approaching the area where

19 ~~your mother was on the ground when you got out of your car,~~
20 showing you what's been marked as State's Exhibit 27 -- and
21 the photograph will show in front of you -- do you see that
22 black trash bag in the corner?

23 A. Yes, ma'am.

24 Q. Did you see that when you were walking towards your
25 mother?

- 1 A. Yes, ma'am.
- 2 Q. Okay. And State's Exhibit 29, that is another version
3 of that bag?
- 4 A. Yes, ma'am.
- 5 Q. Showing you State's Exhibit 22. What is that showing
6 us?
- 7 A. Her keys.
- 8 Q. Your mother's keys?
- 9 A. Yes, ma'am.
- 10 Q. Now eventually the EMS gets there and the police get
11 there and the coroner's office gets there that night; is
12 that correct?
- 13 A. Yes, ma'am.
- 14 Q. Did the car get removed from the scene?
- 15 A. No, ma'am.
- 16 Q. Your mom's car did not?
- 17 A. No, it didn't.
- 18 Q. Did the keys get taken?
- 19 A. Yes, ma'am.
- 20 Q. And did you have -- did you ever receive the keys back?
- 21 A. Yes, I had to go and pick them up.
- 22 Q. And do you remember how long after your mother died
23 that you were able to get the keys back?
- 24 A. Maybe a couple of days.
- 25 Q. Okay.

1 A. Maybe a week.

2 Q. A couple of days to a week?

3 A. Yes, ma'am.

4 Q. When you got the keys back are you the first person
5 that who went back into your mother's car?

6 A. Yes, ma'am.

7 Q. And would you describe to the jury when you opened the
8 door was there an odor?

9 A. Yes, ma'am.

10 Q. What did you find that was in the car?

11 A. The Chinese food that my mom was supposed to take to my
12 grandma's house.

13 Q. I have no further questions. Answer any that the
14 defense may have for you, okay.

15 THE COURT: Cross-examination.

16 MR. SMITH: Your Honor, we don't have any questions for
17 this witness.

18 THE COURT: Okay. Ms. Ford, you may step down. Thank
19 you very much.

20 Call your next witness, please.

21 MS. SHEALY: Kate Ford.

22 (WHEREUPON, the witness was duly sworn.)

23 THE CLERK: Speak into the microphone ---

24 MS. SHEALY: Ms. Ford, can you scoot yourself up as
25 close as you can. Okay. And so will you try to speak a

1 little loudly for us?

2 MS. KATE FORD: Yes.

3 **DIRECT EXAMINATION BY MS. SHEALY OF KATE FORD:**

4 Q. Are you Melinda Ford's mother?

5 A. Yes.

6 Q. How many children did you have?

7 A. Seven.

8 Q. Okay. And are many of them still in the Charleston
9 area?

10 A. Not all of them.

11 Q. But some are?

12 A. Yes.

13 Q. Okay. Taking you back to February 16th of 2013, did
14 you go anywhere that morning with your daughter and your
15 granddaughter?

16 A. Yes, we went shopping.

17 Q. And where did y'all go?

18 A. We went to Tanger.

19 Q. And after y'all left Tanger did y'all go to any other
20 stores?

21 A. We went to -- want to go to Wal-Mart to get a few
22 things.

23 Q. Okay. And did you go anywhere to pick you up something
24 for dinner?

25 A. Yes, we went to the Chinese place to get some food.

1 Q. When you were heading home -- first, tell the jury how
2 far away from Melinda did you live?

3 A. About I am going to say about six minutes or so.

4 Q. Okay. And that -- would you turn off of Betsy Kerrison
5 to get to your house?

6 A. Yes, Pumpkin Hill Road.

7 Q. When they dropped you off did you realize you didn't
8 have your Chinese food?

9 A. Yes.

10 Q. Okay. Now at some point after you got home did -- did
11 you receive a phone call about the Chinese food?

12 A. Yes, from Kadasha.

13 Q. Okay. And what did she say?

14 A. She said my mommy is on the way with your food.

15 Q. And in fact Melinda did not get to your house; is that
16 right?

17 A. No, I got a second call.

18 Q. And what did you learn in the second call?

19 ~~A. She told me that Timmy shot my mother?~~

20 Q. Okay. And did you end up going over there later that
21 evening?

22 A. Yes.

23 Q. And were there other family members there?

24 A. Yes, but I don't have much family.

25 Q. You don't know what -- you don't know who all was

1 there?

2 A. No.

3 Q. I have no further questions. Please answer any that
4 the defense may have.

5 THE COURT: Cross-examination.

6 MR. SMITH: Your Honor, we don't have any questions for
7 this witness.

8 THE COURT: Okay. You may step down. Thank you very
9 much.

10 MR. CORVEY: The State will call Paul Misuraca.

11 (WHEREUPON, the witness was duly sworn.)

12 THE CLERK: State your name into the microphone. Spell
13 your last name for the record.

14 MR. MISURACA: Paul Misuraca, M-I-S-U-R-A-C-A.

15 **DIRECT EXAMINATION BY MR. CORVEY OF PAUL MISURACA:**

16 Q. Good afternoon, Mr. Misuraca. Where do you work?

17 A. With the Charleston County Sheriff's Office.

18 Q. How long have you been with the Sheriff's Office?

19 A. Thirty years.

20 Q. Have you worked with any other law-enforcement
21 agencies?

22 A. Two years with Summerville Police back in 1982.

23 Q. Okay. What are your current duties as a deputy?

24 A. Right now I am assigned to the courts, the court
25 security.

1 Q. Okay. And what have you done in the past?

2 A. Pretty much everything. Worked the road, North Area,
3 West District, East of the Cooper, worked in therapeutic
4 transport just specialized units.

5 Q. Okay. And were you working as a deputy on the night of
6 February 16th, 2013?

7 A. Yes, it was an off-duty job on Kiawah Island.

8 Q. Okay. And did you receive a call on February 16 to
9 leave that off-duty job?

10 A. Myself and Deputy Phillips assisted. We didn't
11 receive the call initially. We left the island to go help
12 the road -- the people working the road.

13 Q. Were you the first units on the scene?

14 A. Yes.

15 Q. Were you guys in uniform?

16 A. We were in a Polo shirt and cargo type pants. So we
17 were very identifiable.

18 Q. And why were you dressed that way?

19 ~~A. We were working off-duty on Kiawah.~~

20 Q. Now to that event, do you remember exactly when that
21 call came out?

22 A. I believe -- we were in route to the call about 18:27,
23 6:27 p.m.

24 Q. Okay. And do you remember about what time y'all
25 arrived on the scene?

1 A. We arrived about 6:34 p.m.

2 Q. Okay. After being dispatched at 6:27?

3 A. Correct.

4 Q. Okay. And then y'all were the first on scene. Would
5 you describe the scene as you and Deputy Phillips arrived,
6 for the jury.

7 A. When we arrived of course we secured the scene when we
8 first arrived and no emergency vehicles but myself and
9 Deputy Phillips was on the scene because to make sure it was
10 clear.

11 I noticed a black female crying. I noticed the victim
12 laying on the floor -- on the ground. I'm sorry. And we
13 were basically just securing the scene right then and there
14 to protect anybody else's life including ourselves. And
15 once we secured the scene then we allowed EMS and the Fire
16 Department to respond then.

17 Q. And where did you guys respond; what was the address?

18 A. It was [REDACTED] Betsy Kerrison Road on Johns Island.

19 Q. And is that in Charleston County?

20 A. Yes, it is.

21 Q. Now backing up a bit beyond your initial observations,
22 what did the call go out as?

23 A. I believe it went out as a shooting, but I'm not sure.
24 I am not positive.

25 Q. So y'all are in route to a shooting. What are your

1 concerns as a law enforcement officer upon getting to a
2 scene like that?

3 A. Well, the safety of officers and everybody else that is
4 on the scene of course and any other victims.

5 Q. What did you need to do to secure the scene once
6 arriving?

7 A. Basically to make sure there's no other suspects or the
8 shooter, the actual shooter, is still there on the scene.

9 Q. Okay. And so after clearing the scene did EMS arrive?

10 A. When I advised the dispatch to have EMS come in, that's
11 when they came in. They were staged about probably about a
12 mile away.

13 Q. And when you were -- when you say they were staged,
14 what do you mean by that?

15 A. They were off -- off the area -- of the where the --
16 the victim -- where the incident took place just to protect
17 their safety. And then once we cleared the area we allowed
18 them in to of course help the victim.

19 ~~Q. So they then arrive on the scene, and then how long did~~
20 they attend to the victim?

21 A. At the time -- I know when I arrived I noticed a black
22 female holding the victim's wound. And when they arrived of
23 course they started working on the victim. I can't really
24 tell you -- maybe within three to five minutes they were
25 working on the victim. As I was also still wondering about

1 the area and evidence.

2 Q. And after they worked on her for about three to five
3 minutes what was your observations of their assessment of
4 the victim?

5 A. I believe they announced her deceased at that time.

6 Q. And you mentioned a young, black, female that was on
7 the scene. Were you able to ascertain who that was?

8 A. I believe it was the victim's daughter. She was
9 hysterical of course. Also saying things about EMS took so
10 long to get there, it just took so long to get there. But
11 the reason was is because they were staged and we have to
12 clear the scene before we allow anybody else in or else we
13 will have more victims so.

14 Q. And then in your interactions with her did you talk to
15 her about anything else?

16 A. I obtained information on the suspect of course, what
17 he was driving, where he went to, what his name was. And I
18 relayed that all to the dispatcher and also the on-scene
19 lieutenant who was Lieutenant Conkey at the time. He was in
20 route.

21 Q. So you then radioed information that she provided about
22 the suspect out to dispatch?

23 A. Yes, through the dispatch. And other units would hear
24 it and broadcast it to the other units.

25 Q. And do you remember what the description she provided

1 you was?

2 A. I cannot remember.

3 Q. Okay.

4 A. I know it was a truck and a black male. But I couldn't
5 tell you the name or anything else like that.

6 Q. Okay. Do you remember the color of the truck?

7 A. White, I believe.

8 Q. Now did she say anything else to you regarding what
9 happened before y'all arrived?

10 A. She said that the suspect at the time shot her momma.

11 MR. SMITH: Objection, Your Honor.

12 THE COURT: What is your legal objection?

13 MR. SMITH: Hearsay.

14 THE COURT: Overruled. Go ahead.

15 BY MR. CORVEY:

16 Q. Now when you arrived on the scene did you notice any
17 items sort of in the yard or in the vicinity of where this
18 happened?

19 A. Yes.

20 Q. Okay. Was there a variety of items?

21 A. There was a variety of items. There were clothes.
22 There were spent shotgun shells. We also -- also found a
23 shotgun with blood on it.

24 Q. Okay. And then regarding that evidence in the crime
25 scene did you do anything with any of it?

1 A. Well, for one thing we secured it. We didn't want
2 anybody coming along and destroying the evidence. And I
3 also moved a spent shotgun shell due to one of the emergency
4 vehicles almost ran over. So I didn't want to get it
5 destroyed or lost. I moved it approximate about two inch --
6 two feet. I'm sorry.

7 Q. Did you notify anybody about moving it?

8 A. Yes, I told the crime scene investigators where I moved
9 it from. And we marked them all off though.

10 Q. How did you mark those?

11 A. At first we just basically we used some cones. But
12 then we used some lighted cones that the Fire Department
13 allowed us to use.

14 Q. And so y'all and officer -- or, excuse me, you and
15 Officer Phillips were -- or, excuse me, Deputy Phillips were
16 the first deputies on the scene; do you remember who the
17 first uniformed deputy that arrived?

18 A. I can't recall. Everybody was showing up.

19 Q. Did he show up pretty shortly after ---

20 A. Yes.

21 Q. --- y'all arrived?

22 A. Yes.

23 Q. Okay. Now after initially securing the scene and sort
24 of assessing what was going on what did you do next?

25 A. Basically just stayed back the area and maintained

1 crowd control. There was a bunch of -- a few other
2 people -- there was a bunch of people starting to come from
3 the back side of the trailer I believe. I believe some of
4 them were family members and all. But we just wanted them
5 to stay clear so they wouldn't destroy any evidence.

6 Q. And what did you do to keep them back?

7 A. Well, we kept them back the first time when me and
8 Deputy Phillips arrived we kept them back with just, you
9 know, saying hey, you know, keep back, whatever. And then I
10 believe one of the other deputies arrived and started
11 putting tape all around the entire area.

12 Q. Okay. And could you ascertain anything about who was
13 showing up?

14 A. Not specifically, no.

15 Q. I mean like neighbors, family members?

16 A. I think there was neighbors and family members.

17 Q. Was it a large crowd?

18 A. Yeah, I would say so.

19 ~~Q. And then what could you tell about the crowd's~~
20 ~~demeanor?~~

21 A. When I talked to them they were fine. I didn't have no
22 problem with them.

23 Q. Well, were you able to determine anything about how
24 they felt about what had occurred?

25 A. Well, they were wondering what was going on and they

1 were upset. But I mean as far as talking with them and
2 keeping them back, they were respectable to us and they
3 allowed us to do our job.

4 Q. Okay. And then how long did you stay on the scene that
5 night?

6 A. Probably at least four hours.

7 Q. Okay. And then throughout the from your initial
8 getting there for those four hours your primary duties were
9 just crowd control?

10 A. Crowd control and watch the -- watch the evidence and
11 all that.

12 MR. CORVEY: Beg the court's indulgence.

13 Q. And just for a point of clarification, since we have
14 two deputies with the last name Phillips in here, who did
15 you arrive with?

16 A. Jim Phillips.

17 Q. Jim Phillips. Thank you.

18 A. Yes, sir.

19 MR. CORVEY: No further questions.

20 THE COURT: Cross-examination.

21 MR. SMITH: Yes, Your Honor.

22 **CROSS-EXAMINATION BY MR. SMITH OF MISURACA:**

23 Q. Good morning.

24 A. Good morning, sir.

25 Q. I just have a few questions for you. When you arrived

1 on the scene were you able to see any shells, spent shells,
2 on the ground?

3 A. Well, our main concern was security at the time,
4 protecting our life and everybody else.

5 Q. Right.

6 A. So really we didn't see any exactly as soon as we got
7 there, no.

8 Q. But you did at some point?

9 A. Yes.

10 Q. Okay.

11 A. As soon as we secured the scene we, you know.

12 Q. And at some point you also came in contact or saw a
13 shotgun?

14 A. Yes.

15 Q. And as part of your duties do you secure that gun in
16 any way?

17 A. Basically leave it in its place.

18 Q. Okay.

19 ~~A. And just make sure nobody touches it. Just stay with~~
20 it and kind of watch it and whatever. We have to put a
21 deputy on it like we did.

22 Q. And do you check to see if it is loaded or anything at
23 that point?

24 A. We didn't at the time, no, not until the crime scene
25 investigators get there.

1 Q. Okay. And you indicated that you moved one of the
2 shells that you thought was going to be ---

3 A. Yes, destroyed or lost.

4 Q. --- destroyed or lost?

5 A. Correct.

6 Q. Did you do any type of documenting about where the
7 shell was; did you take any photographs?

8 A. I didn't take no photograph, but I documented them in
9 the statement that I wrote that I moved it. And I also
10 advised the crime scene investigators.

11 Q. And did you show the crime scene investigators ---

12 A. Yes.

13 Q. --- exactly where it had been moved from?

14 A. Yes.

15 Q. Were you still on the scene when they completed taping
16 off the area?

17 A. Yes.

18 Q. Okay. And how many deputies after you arrived how many
19 deputies would you say were on the scene total?

20 A. After I arrived?

21 A. Uh-huh, after you arrived.

22 A. Shortly afterward I arrived and we secured the scene
23 and did what we have to do it was probably maybe two or
24 three I can recall.

25 Q. Okay.

1 A. At the beginning.

2 Q. All right.

3 MR. SMITH: I have no question -- other questions, Your
4 Honor.

5 THE COURT: Okay. Thank you very much. Any redirect?

6 MR. CORVEY: No, Your Honor.

7 THE COURT: All right. You may step down. Thank
8 you ---

9 MR. MISURACA: Yes, sir.

10 THE COURT: --- so very much.

11 MR. MISURACA: Yes, sir.

12 THE COURT: Call your next witness, please.

13 MS. SHEALY: Patrick Murphy.

14 (WHEREUPON, the witness was duly sworn.)

15 THE CLERK: State your name into the microphone and
16 spell your last name for the record.

17 MR. MURPHY: My name is Patrick Murphy, M-U-R-P-H-Y.

18 **DIRECT EXAMINATION BY MS. SHEALY OF PATRICK MURPHY:**

19 ~~Q. Mr. Murphy, if you would please tell the jury where you~~
20 ~~are employed.~~

21 A. I work for Charleston County EMS.

22 Q. And how long have you worked there?

23 A. About two-and-a-half years.

24 Q. Focusing your attention back to February 16th of 2013
25 were you and a fellow EMS technician summonsed to Betsy

1 Kerrison?

2 A. That is correct.

3 Q. Who was it that rode with you?

4 A. His name is Nicholas Nance.

5 Q. Okay. And you both are EMS personnel?

6 A. That is correct.

7 Q. Do you recall who drove there, between the two of you?

8 A. I honestly do not.

9 Q. And the term staging has come up. Can you explain to
10 the jury what that means?

11 A. Yes, staging -- for EMS personnel we don't have body
12 armor; we don't carry guns; we don't have anything like
13 that. So when there is a call that comes out for an
14 assault, a gunshot wound, a fight, someone who is
15 psychologically unstable, typically dispatch will instruct
16 EMS to stage at a location a mile or so away where the
17 Sheriff's Office or CPD or whoever will go in to make sure
18 the scene is safe for us, nobody has any guns or anything.
19 And then they -- as soon as everything is okay, they will
20 call us in. We will come in from like a mile away. So that
21 way they know that we are safe.

22 Because there have been instances in the past where EMS
23 personnel or fire personnel have gone on the scene and been
24 assaulted or shot or held hostage or various other things.
25 So it is a safety issue for EMS.

1 Q. Do you remember how long you and Mr. Nance were in the
2 staging position?

3 A. I do not remember, but according to our report we were
4 in route at 6:25. We were probably five miles away and we
5 were on the scene at 6:37. So that is 12 minutes. We were
6 probably staged for six or seven minutes.

7 Q. Okay. Now if you would, describe the scene as you
8 arrived.

9 A. As we pulled up the fire department had staged a little
10 bit closer and so they had gotten there just maybe 30

11 seconds or a minute before. We pulled up. There was people
12 milling about. There is a trailer here (motioning) and a
13 trailer here (motioning). And Betsy Kerrison runs this way
14 (motioning). We parked approximately right here (motioning)
15 and walked where the body was just outside this trailer.

16 Q. Hang on just a second.

17 A. Yes, ma'am.

18 Q. I am showing you State's Exhibit 1. It might make it a
19 little bit easier.

20 A. My diagram wasn't good enough?

21 Q. It was great. It was great. Can you see mobile homes
22 there?

23 A. Yes, ma'am.

24 Q. Okay. So y'all would have approached from which
25 direction?

1 A. So --

2 Q. You -- do you know what you can do on that monitor ---

3 A. Oh, yeah. So we -- we would have staged down here
4 (pointing) as our station is down that way (pointing). So
5 we would have come up here (pointing) and turned around
6 right here (pointing). And we parked right here (pointing).
7 The fire truck was right here (pointing). We walked through
8 here (pointing). And the body was approximately right there
9 (pointing).

10 The fire department was in front of us. So they got
11 there. They checked for a pulse I assume, and they started
12 doing CPR. We got there ---

13 Q. Okay. I am going to show you -- showing you State's
14 Exhibit 10. Is that where the body appeared when you got
15 there?

16 A. That's correct.

17 Q. And there is a covering on it in this photo. Was there
18 a cover over her when you got there?

19 A. No, ma'am, she was just laying out in the open.

20 Q. So before your approached the body could you tell us
21 what were the other people on the scene how were they
22 behaving?

23 A. There was a number -- it's been a long time, but I know
24 there was a number of people, maybe five or ten, milling
25 about. There was some screaming going on. A lot of

1 disoriented screaming.

2 I do remember -- I remember that -- I know someone had
3 yelled Timmy shot Momma; Timmy shot Momma. And someone kept
4 yelling it. I don't know who it was.

5 Q. Okay.

6 A. But it was something I remembered hearing.

7 Q. That you kept hearing?

8 A. Yeah.

9 Q. Now when you actually approached the victim, Melinda
10 Ford, she was on her back, laying on her back?

11 A. That's correct.

12 Q. And could you describe for the jury if you would what
13 type of injuries you saw on the front of her body.

14 A. So she had a wound -- want to say it was approximately
15 right here (motioning), maybe that big and that wide
16 (motioning), kind of oval-shaped. It had some tissue
17 hanging out of it just kind of draped down to the side. And
18 it was just an open wound. It wasn't squirting blood. It
19 was just a hole.

20 Q. Okay. And what did y'all then do to assess her
21 condition when you were with her?

22 A. So the first thing we do obviously is check -- check
23 her pulse. But the fire department was already doing CPR.
24 So we put an occlusive dressing, which is an airtight
25 dressing, over -- standard trauma is anything from the neck

1 to the navel you covered it with something airtight so air
2 doesn't get in. So we covered it within an occlusive pad.

3 Then we assessed the -- we stopped -- stopped CPR for a
4 second, checked pulses, rolled her over to check for an exit
5 wound or an entrance depending if there is a hole in the
6 back or any other injuries so we can make a quick
7 assessment. And then roll her back over, continue CPR, and
8 we put the cardiac monitor on her to see if there's any
9 heart activity.

10 Q. Okay. So when you -- when you rolled her over to see
11 if there was any injury to the back ---

12 A. Yes.

13 Q. --- could you tell the jury what happened as you rolled
14 her.

15 A. So we typically hold the head and roll her to make sure
16 everything is kind of stable. When we rolled her, blood
17 shifted, came out of her mouth and nose. I believe her ear,
18 but I couldn't be certain.

19 But basically a whole bunch of blood just shifted in
20 her head and it just started to kind of pour out as we
21 rolled her onto her side. And we looked and there was
22 probably a two-inch -- one to two-inch hole in the center of
23 her back.

24 Q. Let me back up for a moment ---

25 A. Yes, ma'am.

1 Q. --- and ask you. When you approach someone do y'all do
2 anything to the clothing so you can more easily access ---

3 A. Yes.

4 Q. --- injuries?

5 A. We cut off the clothing or rip it open if it is buttons
6 or whatever so we can see where the injuries are.

7 Q. Okay. Showing you what has been previously marked as
8 State's Exhibit 33. You indicated y'all rolled her over to
9 look for injuries on the back?

10 A. Yes, ma'am.

11 Q. And does this photograph depict the injury that you saw
12 on her back?

13 A. That's correct.

14 Q. And is it fair to say that most of the bleeding that
15 occurred occurred from that wound, or can you say?

16 A. It's hard to say. Gravity typically blood runs down.
17 But it is hard to say, depending on what was damaged inside
18 her.

19 Q. Well, her clothing that is draped someone under her, is
20 that saturated with blood?

21 A. Oh, I believe so; yes, ma'am.

22 Q. Do you want to look at this picture a little -- up
23 close and you can see it better.

24 A. I don't believe it was wet. I am fairly certain it
25 was, it was blood.

1 (WHEREUPON, witness reviewed photograph.)

2 A. Yes, ma'am.

3 Q. Then after turning her on her side y'all then you said
4 put a monitor on her?

5 A. Yes, we put cardiac leads on her, stopped CPR for about
6 a moment and checked the electrical activity of the heart.
7 In this case there was none which means it is an asystole or
8 a flat line.

9 Q. Okay.

10 A. Which means her heart has no electrical activity and
11 isn't beating whatsoever.

12 Q. So was she actually already deceased when y'all got
13 there?

14 A. That is correct.

15 Q. Now did you notice any items of evidence in the area?

16 A. I know there was -- I know there was a shotgun laying
17 on the ground. I believe car keys and a couple of shotgun
18 shells and maybe a bag.

19 Q. And do you remember what was in the bag?

20 A. I want to say clothes, but

21 Q. And do you remember seeing any type of footwear?

22 A. A slipper or a flip flop. But I believe it -- I only
23 saw one.

24 Q. Just one?

25 A. I believe so.

1 Q. Okay. And then it was EMS that put the sheet over her?

2 A. Yes, ma'am. Once we had contacted the coroner and time
3 of death is established then we stop all interventions and
4 put a sheet over her. Because there's family members. And
5 try to limit the traumatic affect of someone just laying
6 there.

7 Q. Okay. Very well. Thank you.

8 MS. SHEALY: Beg the court's indulgence just a moment.

9 Q. I have no further questions. Please answer any that
10 the defense may have.

11 A. Yes, ma'am. Thank you.

12 MR. SMITH: Beg the court's indulgence.

13 THE COURT: Yes, sir.

14 MR. SMITH: Your Honor, we don't have any questions.

15 THE COURT: Okay. Thank you very much. You may step
16 down. Thank you very much.

17 MR. MURPHY: Thank you, sir.

18 THE COURT: Any reason he can't be excused?

19 ~~MR. CORVEY: No objection to him being excused.~~

20 THE COURT: You may be excused. Thank you very much.

21 THE WITNESS: Thank you very much.

22 MR. CORVEY: Beg the court's indulgence, Your Honor.

23 The State calls Deputy Thomas Buckhannon.

24 THE COURT: I'm sorry, who are you calling next?

25 MR. CORVEY: Thomas Buckhannon, Your Honor.

1 THE COURT: Okay.

2 (WHEREUPON, witness was duly sworn.)

3 THE CLERK: Please state your name into the microphone
4 and spell your last name for the record.

5 THE WITNESS: Thomas Buckhannon. My last name
6 B-U-C-K-H-A-N-N-O-N.

7 **DIRECT EXAMINATION BY MR. CORVEY OF THOMAS BUCKHANNON:**

8 Q. Good afternoon, Deputy Buckhannon. Where do you work?

9 A. Charleston County Sheriff's Office.

10 Q. And how long have you worked for the Sheriff's Office?

11 A. Four-and-a-half years.

12 Q. Have you worked with any other law enforcement agencies
13 prior to that?

14 A. Yes, Berkeley County Sheriff's Office and Folly Beach
15 Police.

16 Q. Combined in total how long have you been a
17 law-enforcement officer?

18 A. Nine-and-a-half years.

19 Q. What are your current duties with the Sheriff's Office?

20 A. I am currently assigned to the K-9 unit.

21 Q. Okay. And where have you currently been assigned
22 inside of the Sheriff's Office -- or where have you
23 previously? Excuse me.

24 A. Uniform patrol. And I have worked judicial
25 enforcement, courtroom, doing courtroom security.

1 Q. Were you working as a deputy on the night of February
2 16th, 2013?

3 A. I was.

4 Q. What were you doing that night?

5 A. I was working overtime covering an overtime shift in
6 West Ashley District, Charleston.

7 Q. Okay. And then did a call come out that night
8 regarding a shooting incident?

9 A. It did. It was broadcasted over the radio. It was
10 toned out.

11 Q. What do you mean by toned out?

12 A. The dispatcher will send an alert, tone over the radio.
13 And basically it is an attention-getter, everybody pay
14 attention. They know something serious is going on.

15 Q. Okay. And what was the information that came out over
16 dispatch?

17 A. There had been a shooting on Betsy Kerrison Parkway on
18 Johns Island and at least one person had been shot and it
19 ~~was possible that another person was shot. And later on~~
20 there was a broadcast that the suspect might have left the
21 scene.

22 Q. Okay. And so after that came out over the radio what
23 did you then do?

24 A. I went from West Ashley. I had crossed over Main Road,
25 Main and River Road. I was coming from such a distance that

1 I was more or less going to cover their district while the
2 other units handled the shooting.

3 Q. Okay.

4 A. And it ended up one of the deputies became involved in
5 pursuit. They were coming down Bohicket Road off of Johns
6 Island towards West Ashley. So I positioned myself at Main
7 Road and River Road and got my stop sticks out in case he
8 came past me.

9 Q. And just describe for the jury what stop sticks are.

10 A. They are a tire deflation device. They are strips of
11 three-strips increments. And we have them pieced together
12 to make nine-foot spike strips. We throw them across the
13 road and they deflate tires.

14 Q. And so you put those out, and then did that chase ever
15 end up getting to you?

16 A. It did not.

17 Q. Okay. What happened with that chase?

18 A. The chase ended up taking a turn off of Maybank into a
19 park.

20 Q. Okay. And then after it turned off into Maybank what
21 did you then do next?

22 A. I proceeded to where the crash was. The suspect had
23 ran on foot. But then there was nobody in route to the
24 actual scene so I went back around. I actually went to the
25 scene.

1 Q. Okay. And kind of regarding the incident itself and
2 the scene, do you remember where that scene was?

3 A. Well, I mean it was a residence off of Betsy Kerrison
4 just past River Road and the traffic light. There is a
5 little shopping center shortly past that. There is a swoop
6 in the trailers, and it was right there off of Betsy
7 Kerrison right on the main road.

8 Q. Okay. And then do you remember about what time the
9 call came out regarding the shooting?

10 A. It was after six o'clock but before 6:30.

11 Q. If I showed you a copy of the CAD report would that
12 refresh your memory about when ---

13 A. Yes, it would.

14 Q. --- that came out?

15 MR. CORVEY: Your Honor, let the record reflect I am
16 retrieving the CAD report from that night. I don't have it
17 marked as ID'd. Would the court like me to mark it as ID'd?

18 THE COURT: No, that's fine; just show it to him.

19 Q. ~~Deputy Buckhannon, I am handing you the CAD report. If~~
20 you can just look over that and let me know whenever your
21 memory is refreshed.

22 A. It looks like whoever called 911 called at eight -- or
23 excuse me, 6:20 p.m.

24 Q. And then do you know when the first units arrived on
25 the scene?

1 A. The first arriving units to the actual scene where it
2 was at, 6:27; and I arrived shortly after that.

3 Q. Okay.

4 A. Excuse me, 6:35. I'm sorry.

5 Q. And then do you know approximately what time you got
6 there?

7 A. I got there at 6:41.

8 Q. 6:41. Okay. And so you arrived at 6:41. Were you the
9 first uniformed deputy on the scene?

10 A. I was one of the first arrived in uniform deputies,
11 yes. There were two other deputies there working an
12 off-duty assignment that were assisting. They were
13 plain-clothes deputies. But I was one of the first to
14 arrive in-uniform deputies.

15 Q. Okay. And then just describe for the jury about what
16 your concerns are when you are arriving on a reported
17 shooting scene.

18 A. First and foremost is the person that's possibly been
19 shot. We want to make sure that the scene is secured for
20 EMS, so the priority is to make sure there are no other
21 suspects in the house or yards or wherever they might be.
22 Try to get as much information and allow EMS and other first
23 responders to come into the scene and start taking patient
24 care.

25 Another responsibility is to secure the scene. You

1 want to make sure that, you know, you are not contaminating
2 a crime scene, make sure it is taken off property. And
3 there are some policy procedures that we have to follow.

4 Q. Okay. So once you arrive on the scene please describe
5 for the jury your observations pulling onto the scene.

6 A. There were a couple of fire trucks and ambulance when I
7 got there. I position my car on Betsy Kerrison.

8 The trailer was kind of -- the trailer was close to the
9 road. Where the incident occurred was kind of off the road.
10 I ran up to where the EMS guys were. They were attending to

11 the shooting victim. I went ahead and went into the
12 trailer. I went into the trailer. I went into the trailer
13 to make sure there were no other suspects. And I wanted to
14 try to secure that for a possible crime scene.

15 I saw quite a bit of people around. I don't know if
16 they were family members or not. They obviously were
17 devastated. They were crying and screaming, didn't know
18 what to do. They were lost. So at that point I ushered

19 everybody away from the actual shooting victim and the
20 trailer. There was a side road next to the trailer I
21 ushered them out to.

22 Q. Deputy Buckhannon, I am going to show you what has been
23 previously entered as State's Exhibit 1. Does this reflect
24 the scene that night?

25 A. Yes. This is -- yes, this is pretty accurate.

1 Q. Okay. So when you see that, you ushered people onto a
2 side road; can you mark on there -- you can actually draw
3 right on the board where -- where you kind of ushered people
4 to.

5 A. There is -- that line is where there is a side road. I
6 didn't know that it led -- I didn't know how far the road
7 went. I just obviously saw it. And there was a fence right
8 here (pointing). So that was -- my intent was to keep them
9 away from everything over here (pointing).

10 Q. Okay. And so then after you are kind of initially
11 securing the scene and then ushering people back what did
12 you do next?

13 A. I took crime scene tape and I taped off the scene, and
14 I began our matron crime scene log.

15 Q. Okay. So when you say that you did crime scene tape,
16 about where did you kind of stretch all of that out?

17 A. Pretty much the perimeter. I mean I taped off I mean
18 all the way over here (pointing) to here (pointing). And
19 the main reason for here (pointing), right here was because
20 that was where everything was. I wanted to keep them away.
21 And then of course over here (pointing). And we didn't -- I
22 didn't know how big the crime scene was, so I wanted to make
23 sure that I taped it off as large as I could.

24 Q. And while you were doing that did you notice various
25 bits of evidence lying around?

1 A. I saw a gun on the ground. Obviously the victim was
2 there. And that's the best I can remember.

3 Q. Okay. And then to your memory were things marked as to
4 where they were and all that kind of stuff?

5 A. They were marked by crime scene when they got there.

6 Q. Okay. And then you mentioned you also did an evidence
7 log?

8 A. The major crime scene log.

9 Q. Okay.

10 A. It is more or less not an evidence log. It is to
11 account for everybody that is coming into the scene.

12 Q. Okay. Just kind of a log of who is coming in and out?

13 A. Right.

14 Q. Would you recognize a copy of that log if I were to
15 show it to you?

16 A. Yes.

17 Q. I am handing you State's Exhibit 80 just for -- 180
18 just for ID purposes. What is that?

19 ~~A. This is our Sheriff's Office major crime scene log.~~

20 Q. And is that a fair and accurate representation of the
21 log you did that night?

22 A. Yes.

23 MR. CORVEY: Your Honor, at this time I would like to
24 admit State's 180 into evidence.

25 THE COURT: Any objection?

1 MR. SMITH: No objection, Your Honor.

2 THE COURT: All right. Admitted without objection.

3 (WHEREUPON, State's Exhibit 180, crime scene log, was marked
4 for identification.)

5 (WHEREUPON, State's Exhibit 180 was admitted into evidence.)

6 Q. So this is the crime scene log you did that night.

7 Could you please again kind of describe for the jury what
8 the purpose of that is.

9 A. It says right there it is all personnel entering the
10 scene. It is anybody that goes into the crime scene that
11 could possibly have some type of direct effect on it.

12 Obviously the first two -- the first arriving deputies,
13 they are the first ones there. They kind of whatever they
14 did. And all the way from you, the EMS guys that responded,
15 the St. John's Fire Department, and any other deputies that
16 came into the actual scene beyond the crime scene tape.

17 If you are outside of the crime scene tape you
18 generally don't get put on the crime scene log. So just
19 everybody that is on this list was inside the crime scene
20 tape.

21 Q. And so after you started the log and set up the crime
22 scene tape and secured the scene, what did you do next?

23 A. I stayed and pretty much maintained the crime scene log
24 and stayed and assisting Investigator Kjellman with all
25 types of measurements and when the coroner was out there and

1 it was time to move the party from the scene I assisted with
2 that.

3 And per my captain at the time we didn't know who the
4 suspect was. So I actually stayed on the scene beyond this
5 crime scene log. When everybody cleared I actually stayed
6 and sat out at Betsy Kerrison until the suspect was caught.

7 MR. CORVEY: Beg the court's indulgence, Your Honor.
8 No further questions at this time. Please answer any
9 questions the defense may have.

10 THE COURT: Cross-examination.

11 ~~CROSS-EXAMINATION BY MR. SMITH OF THOMAS BUCKHANNON:~~

12 Q. I just have a couple of questions for you. When you --
13 when you first got there did you go to the trailer first?

14 A. No, the victim was laying next to the trailer; so I ran
15 up to make sure those guys, the EMS guys and first
16 responders, were -- that everything was good. And then I
17 walked into the trailer.

18 Q. Okay. And were you in -- did you collect any kind of
19 ~~evidence or see any type of evidence in the trailer?~~

20 A. No, I didn't see. I just -- and there were some people
21 in the house and I got them out of the house.

22 Q. Okay. And so do you remember how many people were in
23 the house?

24 A. I don't remember. It was quite a few.

25 Q. Okay. And so when you saw them, that was before you

1 put any type of crime scene tape?

2 A. Yes.

3 Q. Okay. You said there were lots of people around. Were
4 there people around the scene area when you arrived?

5 A. There were neighbors and some others that were out.

6 Q. Okay. So there were people both inside the trailer and
7 then some on the outside as well?

8 A. Yes.

9 Q. And eventually you moved all of those people out; is
10 that correct?

11 A. I did.

12 Q. Okay. And that is when you taped off and you told the
13 solicitor you taped off the entire area?

14 A. Right.

15 Q. Now when you do the crime scene log does it account for
16 those people that were inside that area prior to you ---

17 A. No. No, the detectives will come in and will point out
18 who is involved with this case and they will do their thing.

19 Q. And so it wouldn't have reflected, for example, any of
20 the people that were inside the trailer or that you ---

21 A. Not at the time. That wasn't my concern. My concern
22 was preserving that scene.

23 Q. And so that is not documented as to who was here and
24 who was ---

25 A. No, it doesn't.

1 MR. SMITH: No further questions, Your Honor.

2 THE COURT: Any redirect?

3 MR. CORVEY: No, Your Honor.

4 THE COURT: All right. You may step down. Thank you
5 very much.

6 MS. SHEALY: Julius Alexander.

7 (WHEREUPON, the witness was duly sworn.)

8 THE CLERK: State your name into the microphone and
9 spell your last for the record.

10 THE WITNESS: Julius Alexander, A-L-E-X-A-N-D-E-R.

11 ~~DIRECT EXAMINATION BY MS. SHEALY OF JULIUS ALEXANDER:~~

12 Q. Detective Alexander, you work for the Charleston County
13 Sheriff's Office?

14 A. Yes, ma'am, I do.

15 Q. And how long have you worked there?

16 A. Six-and-a-half years.

17 Q. And how long as a detective?

18 A. Three-and-a-half.

19 ~~Q. And are you in fact involved in another trial in the~~
20 building today ---

21 A. Yes, ma'am.

22 Q. --- and having to go back and forth?

23 A. Yes, ma'am.

24 Q. Focusing your attention back to February 16th of 2013,
25 did you report to Betsy Kerrison?

- 1 A. Yes, ma'am, I did.
- 2 Q. And do you recall what time you got there?
- 3 A. I arrived there at 7:28 p.m. that day.
- 4 Q. And when you arrived there was Kadasha J. still
5 there?
- 6 A. Yes, ma'am, she was present in Deputy Mack Colburn's
7 vehicle, patrol vehicle.
- 8 Q. Okay. So Deputy Colburn had gotten there prior to your
9 getting there?
- 10 A. Yes, ma'am.
- 11 Q. And he put her away from everybody else ---
- 12 A. Yes, ma'am.
- 13 Q. --- in his vehicle? Did you in fact speak to Ms.
14 Jenkins?
- 15 A. Yes, ma'am, I did.
- 16 Q. And could you describe her demeanor when you were
17 talking to her?
- 18 A. She was in shock. I'm assuming because, you know, the
19 tragedy event that happened to her mom. And I guess she was
20 just trying to absorb everything at that point.
- 21 Q. When you first spoke to her she was still in Deputy
22 Colburn's car?
- 23 A. No, I -- we went from her -- from his car to my car.
- 24 Q. Okay. That is what I was going to ask you.
- 25 A. Yeah.

1 Q. So she was in his car ---

2 A. Yes, ma'am.

3 Q. --- and then you took her to your vehicle?

4 A. Yes, ma'am, I did.

5 Q. And do you recall where your vehicle was located?

6 A. My vehicle was kind of on the roadway in the grass
7 median on Betsy Kerrison.

8 Q. I am showing you State's Exhibit Number 1. It is going
9 to appear on your monitor. Can you orient yourself there?

10 A. I was like right in the grass median, right up in here
11 (pointing).

12 Q. Okay. And when she got in your car was there anyone
13 else in the car with y'all?

14 A. Yes, ma'am, it was her aunt. She was there for
15 support.

16 Q. Okay. When Kadasha was being interviewed by you did
17 the aunt or the aunt (different pronunciation) participate
18 in that at all?

19 A. ~~No, she was just quiet in the back seat.~~

20 Q. And were you able to get a statement from Kadasha that
21 evening?

22 A. Yes, ma'am, I did.

23 Q. Do you recall how many pages that statement was?

24 A. I believe it was six pages.

25 Q. And tell the jury is that typical to be able to get

1 that lengthy of a statement from someone ---

2 A. Yes, ma'am.

3 Q. --- after an event like that?

4 A. Yes, ma'am, definitely.

5 Q. Could you describe whether or not Ms. Jenkins appeared
6 to try to give you as many details as she could.

7 A. She was very cooperative toward giving me details about
8 the case.

9 Q. And did you in fact write the statement for her, or did
10 she write it herself?

11 A. I wrote it for her because she asked me to do so.

12 Q. Now after she signed her statement -- and you witnessed
13 her statement; is that correct?

14 A. Yes, ma'am, I did.

15 Q. After that did you do what is called a gunshot residue
16 test on her hands?

17 A. Yes, ma'am, I did.

18 Q. And what is the purpose of that?

19 A. It is sort of like a process of elimination process to
20 say that, you know, there was no doubt that she had
21 something to do with, you know, having the gun or anything
22 like that.

23 Q. Okay. But you're not an expert in gunshot residue?

24 A. No, ma'am, I'm not.

25 Q. But you're trained as to how to get the sample?

1 A. Yes, ma'am.

2 Q. Did you happen to bring a sample with you today?

3 A. No, ma'am.

4 Q. That's okay. That's okay.

5 A. I have one in the car.

6 Q. Describe for the jury what that process is like. Are
7 you provided with certain materials in collecting it?

8 A. Yes. The new GSR kit it comes with like some magnetics
9 that all you have to do is just blot her hand. And it has
10 the label on it on which hand to do, you know, at that time.

11 And you would just go do the front of her hands, and
12 then you would do back; the same for both hands. And then
13 you would put it back into the little envelope that is
14 provided and you fill out the paperwork which asks her what
15 she was doing prior to the event, what her hobbies are, just
16 so they can have that information on there before we submit
17 it.

18 Q. Okay. And when you say before you submit it, do you
19 ~~give it then to your evidence technicians?~~

20 A. Yes, ma'am, we do.

21 Q. And would you tell the jury what SLED is.

22 A. SLED is a State Law Enforcement Agency. They
23 investigate cases as -- like we do as well as investigate
24 departmental allegations, you know, if there are any
25 complaints about us, you know, doing anything or if we are

1 involved in any shootings or anything like that.

2 Q. And does SLED also have scientists and analysts who
3 look at gunshot residue, gun, DNA, etc?

4 A. Yes, ma'am.

5 Q. Okay. And so when you are giving the gunshot residue
6 sample to the evidence technician it is with the idea that
7 it will then be sent to SLED to be analyzed?

8 A. Yes, ma'am.

9 Q. Was Kadasha cooperative in that process?

10 A. Very cooperative.

11 Q. And do you recall whether or not in her statement she
12 mentioned ever moving the gun?

13 A. Do I recall ---

14 MR. SMITH: Objection, Your Honor.

15 THE COURT: I'm sorry.

16 MR. SMITH: Objection. Hearsay.

17 THE COURT: I will sustain the objection.

18 MS. SHEALY: Well, I think she has already testified to
19 that, Judge.

20 THE COURT: I understand.

21 MS. SHEALY: Okay.

22 BY MS. SHEALY:

23 Q. You got as many details as you could have from her; ---

24 A. Yes, ma'am.

25 Q. --- is that correct?

1 A. I did, yes, ma'am.

2 Q. Now when you left, do you recall whether or not her
3 mother's body was still at the scene?

4 A. It was not at the scene. It had already been taken by
5 EMS at that point.

6 Q. I have no further questions. Please answer any that
7 the defense may have.

8 A. Okay.

9 Q. Thank you.

10 THE COURT: Cross-examination.

11 MR. SMITH: We have no questions for this witness, Your
12 Honor.

13 THE COURT: No questions?

14 MR. SMITH: No questions.

15 THE COURT: Okay. Detective Alexander, thank you very
16 much.

17 THE WITNESS: Thank you, sir.

18 THE COURT: You may be excused.

19 ~~THE WITNESS: All right.~~

20 MS. SHEALY: Your Honor, may we approach for just a
21 moment?

22 THE COURT: Yes, ma'am.

23 (WHEREUPON, bench conference was had.)

24 THE COURT: Madam forelady, ladies and gentlemen of the
25 jury, we are going to take a short break at this time.

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1 Please don't discuss amongst yourselves. We will probably
2 take about a 15 or 20 minute break. The bailiffs will show
3 you to the jury room.

4 (WHEREUPON, jury left the courtroom 11:12 a.m.)

5 THE COURT: All right. We will take about a 15 or 20
6 minute recess. Thank you very much.

7 (WHEREUPON, recess was had at 11:12 a.m.)

8 (WHEREUPON, trial resume 11:40 a.m.)

9 THE COURT: Anything from the State before we bring the
10 jury?

11 MS. SHEALY: No, Your Honor.

12 THE COURT: Anything from the defense?

13 MR. SMITH: No, Your Honor.

14 THE COURT: Bring the jury, please.

15 (WHEREUPON, jury enters courtroom 11:41 a.m.)

16 THE BAILIFF: All jurors are present, Your Honor.

17 THE COURT: Okay. Call your next witness, please.

18 MR. CORVEY: The State calls Deputy Jeff Phillips.

19 (WHEREUPON, the witness was duly sworn.)

20 THE CLERK: Please state your name into the microphone
21 and spell your last name for the record.

22 THE WITNESS: My name is Jeffrey Phillips. My last
23 name P-H-I-L-L-I-P-S.

24 **DIRECT EXAMINATION BY MR. CORVEY OF DEPUTY JEFFREY PHILLIPS:**

25 Q. Good afternoon, Deputy Phillips. Where do you work?

1 A. Charleston County Sheriff's Office.

2 Q. How long have you been with the Sheriff's Office?

3 A. Since 2012.

4 Q. What are your duties with the Sheriff's?

5 A. I am a patrol deputy.

6 Q. Okay. And what does that primarily consist of?

7 A. Pretty much answer calls, taking reports, conducting
8 traffic stops, and whatever else.

9 Q. And have you worked in law enforcement previously?

10 A. No, sir.

11 Q. This is your first law enforcement assignment?

12 A. Yes, sir.

13 Q. And were you working as a deputy on the night of
14 February 16, 2013?

15 A. Yes, sir.

16 Q. What were you doing that night?

17 A. I was actually just coming on shift, just beginning my
18 patrol when they dropped home to let us know there was a
19 ~~high-priority call coming out.~~ At which time they let us
20 know that there was a shooting up on Betsy Kerrison.

21 I then drove out of the neighborhood that I was
22 patrolling at that time. Began to make my way up towards
23 that scene. And on the way there the dispatch let us know
24 about the subject had fled the scene in a vehicle. They
25 said it was a white-colored Nissan truck with a dog cage in

1 the back.

2 On the way up to Betsy Kerrison on Bohicket Road just
3 before Eden Bell Road I observed a vehicle matching that
4 description passing by me the opposite way going towards
5 Maybank Highway. At which time I turned around.

6 I then attempted a lawful traffic stop on the vehicle.
7 It failed to stop for both lights and sirens, so I advised
8 dispatch I would be in a 10-80 which is a pursuant.

9 I called out my traffic conditions, my weather, and
10 pedestrian traffic, all the requirements that are ---

11 Q. So you -- you are actively going on a chase right now?

12 A. Yes, sir.

13 Q. Okay. And so before we kind of get going on the chase
14 I want to back up just a little bit and kind of describe and
15 set what is going on up for the jury.

16 And so you just get back on call or on duty and then
17 the phone call goes out. Can you reiterate again what the
18 description of the truck was.

19 A. They say white in color, Nissan pickup truck, and it
20 had a dog cage in the back.

21 Q. Okay. And you had just said that you were traveling up
22 Bohicket Road towards Betsy Kerrison; is that right?

23 A. Yes, sir.

24 Q. Can you -- and that was the direction what you were
25 expecting the suspect to come towards you?

1 A. That was unknown. We didn't have the actual direction
2 of travel at the time. But coming -- if he was coming back
3 down on Johns Island there's only two routes, and that's
4 either River Road or Bohicket.

5 Q. Okay. And then can you please describe for the jury
6 just how Bohicket and Betsy Kerrison intersect.

7 A. Bohicket if you are coming from Maybank Highway and
8 driving towards Kiawah or Seabrook Island it will actually
9 turn into Betsy Kerrison Parkway. At a traffic light it
10 intersects. There is River Road, Bohicket, and then it
11 turns into Betsy Kerrison at that intersection.

12 Q. So they are really kind of like this continuation of
13 the same road?

14 A. Yes, sir.

15 Q. So you are traveling up Bohicket, and then you said
16 that you saw a vehicle that matched the suspect's
17 description?

18 A. Yes, sir.

19 Q. Okay. And then what about that vehicle stood out to
20 you?

21 A. White-colored pickup and it had a significant size dog
22 cage in the back.

23 Q. And that was the information that y'all had received?

24 A. Yes, sir.

25 Q. Okay. So what did you do then?

1 A. At that time I managed to turn around. I had a break
2 in traffic. Turned around and got beyond the vehicle. I
3 advised dispatch of the tag which was HPA 256. And that
4 came back -- it was actually a Toyota. It wasn't a Nissan.

5 I attempted a traffic stop on the vehicle, had licensed
6 sirens activated; and the vehicle failed to stop.

7 Q. Okay. And then after the vehicle failed to stop, what
8 happened then?

9 A. I advised my dispatcher that I would be in a 10-80
10 which is a pursuit with the vehicle. I gave them the
11 direction of travel being Bohicket going toward Maybank
12 Highway, gave out the requirements, any time that we get in
13 pursuit, which are weather conditions, the traffic
14 conditions, which is amount of traffic on the road, along
15 with if there's any pedestrians in the roadway.

16 Q. Okay. And actually you mentioned traffic conditions.
17 Let's talk about a little bit about that. Was traffic busy
18 on Bohicket that night?

19 A. It was fairly busy.

20 Q. So what was going on with the other traffic on the
21 roadway when you were involved in this pursuit?

22 A. Pretty much the roadway was fairly clogged. It was
23 fairly busy. Had traffic coming both towards me and going
24 towards -- and going with Maybank Highway.

25 And so as I was following the white pickup he was

1 weaving in and out of traffic causing people to have to get
2 off the side of the road. And that road is very tight.
3 There's a lot of trees on the side. It is very hard to get
4 out of the way of any oncoming vehicles.

5 Q. So how fast did you guys -- did the chase end up
6 getting up to?

7 A. The speeds actually ranged between 45 miles per hour
8 and about 60 miles per hour. It all depended on how much
9 traffic he came up to at that time. Because there were
10 occasional breaks in traffic and how many vehicles were in
11 line.

12 Q. Then if he got like a clear patch of road would he then
13 speed up to try to get away from you?

14 A. Yes, sir.

15 Q. So the chase is ongoing. And then let's kind of fast
16 forward ahead to kind of the culmination of the case. What
17 happened then?

18 A. The vehicle went across Maybank Highway, and he then --
19 ~~or it then turned right onto Spence Road which is a~~
20 subdivision. It is a smaller neighbor and smaller road.

21 The vehicle then continued down to Spence and came to
22 what was like a dirt path. There was a break in a tree
23 line. And there was what looked like a giant tree laid down
24 across that -- that break. And the vehicle actually went
25 over the top of it, at which time the dog cage ended up

1 falling out of the back along with a couple of other items.

2 I had to stop my vehicle because it couldn't clear with
3 the size of it. The truck then turned left onto what was
4 identified as Rews Street, R-E-W-S. And then it turned back
5 around and continued the other way, towards the baseball
6 fields.

7 Q. Okay. And what is that park called?

8 A. The Rew Street.

9 Q. Well, the park. You mentioned baseball fields.

10 A. I am unfamiliar with the park name.

11 Q. Okay. So then what did you do next as you had to get
12 back to your car because you couldn't get over the log?

13 A. I directed all of the vehicles behind me, all my other
14 deputies, that hey there is a tree right there; you have got
15 to go around; go down the street. At which time they
16 continued down and got onto Rew Street.

17 Q. And then now did you take video of this case that
18 night?

19 A. Yes, sir, everything was recorded.

20 Q. How was that recorded?

21 A. With our dash cam video system pretty much any time
22 that we activate our lights and sirens the video system
23 automatically starts recording and it also records
24 everything 30 seconds prior to lighting up our lights and
25 sirens.

1 Q. Okay. Now at this time, Your Honor, I am going to play
2 portions of the 911 video that has already been admitted
3 into evidence without any objections is my understanding.

4 THE COURT: What number?

5 MR. CORVEY: Not 911. Excuse me.

6 THE COURT: Pardon?

7 MR. CORVEY: One seventy-seven, Your Honor.

8 THE COURT: One seventy-seven, okay. Any objection?

9 MR. SMITH: Without objection, Your Honor.

10 THE COURT: All right, 177. That's -- I believe that

11 has previously been admitted into evidence. But if not, it
12 is admitted into evidence without objection.

13 MR. CORVEY: Thank you, Your Honor.

14 Q. Now Deputy Phillips, I am going to play this. And
15 since there is no sound, just for aid of the jury could you
16 just kind of please let us know what is going on at various
17 parts?

18 A. Yes, sir.

19 ~~(WHEREUPON, video is played and running during Q&A as~~
20 follows:)

21 A. All right. At this point this is where I am starting
22 my shift. This is going to be on Sheen Drive. Again, I
23 haven't activated my lights yet. The call is just now going
24 out. I am getting all the information, the location of the
25 call, and finding the best route to travel to get there. I

1 will be making a right onto Staffwood Road.

2 Q. It says CCSO 100 at the top. What does that mean?

3 A. That is going to be Charleston County Sheriff's Office,
4 and 100 is going to be my call sign. That is how they
5 address me over the radio.

6 Q. Okay. So this indicated that this is your cruiser that
7 you are in?

8 A. Yes, ma'am, that would be my recording system.

9 Q. And what about the numbers in the bottom right-hand
10 corner?

11 A. That is going to be the date, 2/16 of '13, February
12 16th. And then 825 is going to be -- I'm sorry, 18:25 is
13 going to be the time of the recording, what is the actual
14 time of the date.

15 Q. And what time is that in standard time?

16 A. That's going to be 6:25 p.m. All right. I am going to
17 be on Maybank Highway at this point. Lights and sirens are
18 both activated.

19 Again, for a high priority call they are going to want
20 us to get there quick. So we do that to get through traffic
21 as best we can, as quickly as we can. And then this
22 intersection I'm going to be turning onto Bohicket Road.

23 Q. And so you're now heading towards the Betsy Kerrison
24 location?

25 A. Yes, sir. About this time I am being notified that the

1 subject of the call has fled, unknown direction of travel.
2 But we get a scripture -- or a descripture of the vehicle
3 that he was in. Again, they describe it as a white Nissan
4 pickup truck with a dog cage in the back.

5 Q. And then please let us know when you get close to
6 spotting the suspect.

7 A. Yes, sir. All right, now I believe it is going to be
8 after I go around this car there is going to be another line
9 of traffic and then I should -- you will spot the vehicle.
10 It will be -- be at the very end of the line.

11 Q. Approaching you?

12 A. Yes, sir. It should be right there. So again, turn
13 around. This time I advised dispatch I have a possible
14 matching vehicle and that I am going to have to catch up to
15 and I will advise.

16 So here is the vehicle.

17 Q. Are those other deputies passing you?

18 A. Yes, sir, those are the other deputies responding to
19 the call. ~~Again, I have a white pickup truck. It had the~~
20 cage in the back. I had my lights and siren activated. And
21 instead of stopping and pulling off to the side like the
22 rest of the vehicles he then proceeds around them and then
23 he starts picking up speed.

24 And I'm sorry, I've already advised past this point
25 already I've already advised dispatch that I would be in a

1 pursuit of the vehicle. Gave out all the information. And
2 those deputies that went by me, they ended up turning around
3 to back me up on the call. And they actually take over the
4 radio so I can focus on driving.

5 It about this point with the open traffic I believe we
6 hit about 60 miles per hour from what I recall.

7 Q. So where are we approaching now?

8 A. This is -- we are going to be coming up on the
9 intersection of Maybank Highway. And if you go straight
10 through it's going to be -- it is going to actually turn
11 into Main Road.

12 Q. So Bohicket turns into Main?

13 A. Yes, sir. And you see he crosses over Maybank Highway,
14 goes through the red light. And then he is going to be
15 making a right up here. And this is going to be Spence.

16 Q. Are those other deputies farther down the road?

17 A. Yes, sir. So, again, this is Spence Street. This is
18 inside of a neighborhood, a little bit tighter streets. And
19 then here he is going to go through the grass and then a
20 giant log.

21 Turns left. He goes down there. He actually does a
22 doughnut or does a quick turnaround in the grass area. And
23 then you see he drives by. And over towards that direction
24 is where the baseball fields are.

25 Q. So is this -- this is you then getting out?

1 A. This is going to be me. I am trying to locate to see
2 where he is going to and try to get a better direction of
3 travel. I have got about three deputies behind me. They
4 are all turning around to go and try to catch up to him.
5 (WHEREUPON, video concludes.)

6 Q. Okay. So now I want to show you what has been admitted
7 as State's 55. Is that a picture of the log that obstructs
8 the roadway there?

9 A. Yes, sir.

10 Q. And what is that out in the background of the picture?

11 A. The silver object?

12 Q. Yes.

13 A. That is going to be the dog cage that was in the back
14 of the truck.

15 Q. Okay. And then State's 56 is this a close-up of the
16 log?

17 A. It looks to be it, yes.

18 Q. And is that a fallen tree, or was it put there for any
19 sort of reason?

20 A. Actually I believe it is going to be a telephone pole.
21 I am unsure of the reason it is there.

22 Q. And then State's 57, and is that a closer shot of the
23 dog cage?

24 A. That looks to be, yes, sir.

25 Q. Okay. So now that you have gotten back in your car

1 please explain to the jury again what you did next?

2 A. After I got in my vehicle, being new I accidentally
3 drove the wrong way. But we managed to catch up to where
4 the pursuit ended which was in a tree line through the
5 baseball fields. I then parked my vehicle and got out and I
6 helped establish the perimeter.

7 Q. And so -- and so the chase had ended by the time you
8 got to the baseball field?

9 A. Yes, sir.

10 Q. And where was the suspect?

11 A. He was gone on arrival.

12 Q. He had fled?

13 A. Yes, sir.

14 Q. And so you said that you helped set up a perimeter.
15 How did you do that?

16 A. Pretty much we go and we set up to a general area.
17 Deputies go around that area and try and just keep it
18 isolated so that nobody can either come into the crime scene
19 or leave it.

20 Q. Okay. And I'm going to show you what has been admitted
21 as State's 50. And is this the baseball field where that
22 chase ended?

23 A. That looks to be it, yes.

24 Q. Okay. And so when you describe setting up a perimeter
25 you kind of went around the field and the woods in the

1 background?

2 A. Yes, sir. Because that is a tree line, and then you
3 have got a neighborhood on the other side there.

4 Q. About how close are the houses in that neighborhood
5 from that tree line?

6 A. They are right on the tree line.

7 Q. Okay. And so while you are setting up a perimeter what
8 duties did you have in securing a perimeter?

9 A. Just any vehicles that came in just checking with them
10 making sure that the subject didn't possibly get in there, a
11 vehicle or that he had a ride to get out with.

12 Q. Did you aid in the search for the suspect at all?

13 A. Yes, sir.

14 Q. What did you do in that search?

15 A. I ran with the K-9 unit as they attempted to locate a
16 track in an attempt to locate the subject.

17 Q. And when you said you kind of trailed the K-9 unit did
18 you just follow them for security or ---

19 A. Yes, sir.

20 Q. Was the K-9 able to locate him?

21 A. No, sir.

22 Q. So after the K-9 track ended, about how long did you
23 then maintain at the ballpark?

24 A. After the canine track I was then sent to go sit by
25 where the log was over by the dog cage. I was to close off

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1 that road and make sure nobody comes in except for our units
2 to process the crime scene.

3 Q. And then about how far just if you could estimate is
4 the area where the dog cage is to the ball field?

5 A. At an estimate maybe 100 yards.

6 Q. So a pretty short area?

7 A. Yes, sir.

8 Q. And so kind of backtracking a little bit to the chase,
9 about how long was the chase?

10 A. Well, I initiated it just before Edenvale Road. And
11 when I turned around on the vehicle it is probably around
12 two -- two miles or so.

13 Q. Okay. And then so kind of now fast forwarding again to
14 where you are stationed where to kind of where the dog cage
15 is, what did you do next?

16 A. I sat there and just maintained the perimeter while
17 they had crime scene come in and process the crime scene.

18 Q. Okay. And then after the crime scene was processed
19 where were you assigned?

20 A. I went back and I answered calls. I went back on duty.

21 Q. Other calls besides this incident?

22 A. Yes, sir.

23 Q. Okay. And then how did you become back involved with
24 this incident?

25 A. Later on in the night somewhere past midnight Deputy

1 Colburn actually was sitting out of the scene.

2 Q. At this scene?

3 A. Yes, sir.

4 Q. And he advised that he had the subject. I don't recall
5 what he said. It might have been detained. But we then
6 raced back to him to help them take him into custody.

7 Q. What happened once you got there?

8 A. The subject was taken into custody. And then we end up
9 searching the area for where he was hiding out at.

10 Q. Did you get any sort of indication as to where he may
11 have been hiding?

12 A. No, sir.

13 Q. Okay. So what did you and the deputy you went with do?

14 A. We ended up searching the area. And at that time the
15 neighborhood behind the tree line were actually undeveloped
16 houses. They were still being built. So we went over there
17 and while looking around, one of the houses actually had
18 blue it looked like Styrofoam or something sitting on the
19 ground and looked to be an actual human footprint.

20 So at that time we proceeded in the house in order to
21 secure it and make sure nobody else was hiding in there.
22 And we actually came across a couple of blood drops. And
23 upon further investigation we found what looked to be
24 insulation that you put inside the walls in the house with
25 actual blood on it. And then we found a room that actually

1 had blood on the walls or what appeared to be blood.

2 Q. So I'm going to show you State's Exhibit 84. Is this
3 the house in that neighborhood that you came upon?

4 A. It looks like it.

5 Q. And then State's Exhibit 85. Is this the blue
6 Styrofoam that you were talking about?

7 A. Yes, sir.

8 Q. And if you could, kind of point out on that
9 picture - you can actually draw on the monitor in front of
10 you - about where you saw some footprints.

11 A. (Witness complied.)

12 Q. So you then go in the house because of those -- notice
13 a blood trail, and then kind of did you go throughout the
14 house -- or kind of describe how you went throughout the
15 house.

16 A. From there I had another deputy with me and we actually
17 went into the residence and what we define as secure it,
18 making sure that nobody else is inside, there's no weapons
19 or nobody else hurt.

20 So we pretty much go room to room and just making sure,
21 like I said, nobody else is hiding inside. So we proceeded
22 through each room, up the stairs. And like I said, at that
23 time we found a couple of drops of blood. And then upstairs
24 we found the insulation in the one room that actually had
25 blood or what appeared to be blood on the wall.

1 Q. And then I'm showing you now State's 87. And what does
2 this show?

3 A. That would be the room where it had what appeared to be
4 blood on the wall.

5 Q. And then after y'all noticed the blood in the house
6 what did you do next?

7 A. We then notified the commander on the scene, which was
8 a Lieutenant Conkey; and forensics was then contacted to
9 come and process the scene as part -- as part of the crime
10 scene.

11 Q. Okay.

12 MR. CORVEY: Beg the court's indulgence, Your Honor.

13 Q. Now Deputy Phillips, I want to go back to I believe
14 State's 47 -- or excuse me, 50. So we are looking at the
15 ball field again. Can you kind of describe for the jury
16 where -- kind of estimate where the house is where you found
17 the defendant in the background there, just kind of how
18 close it is?

19 A. It's going to be somewhere in this area right
20 (pointing).

21 Q. In ---

22 A. On the opposite side of the tree line.

23 Q. And in your memory about how wide is that tree line?

24 A. Maybe 50 feet or so. I can't give you an exact
25 estimate. Somewhere in there though.

DIRECT EXAMINATION BY MR. CORVEY OF DEPUTY JEFFREY
PHILLIPS

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1 Q. That's great. Thank you.

2 MR. CORVEY: No further questions at this time.

3 THE COURT: Cross-examination.

4 MR. SMITH: Yes, Your Honor.

5 **CROSS-EXAMINATION BY MR. SMITH OF DEPUTY JEFFREY PHILLIPS:**

6 Q. Deputy Phillips, do you have any idea of how many
7 vehicles were in pursuit when you were out there?

8 A. Off the top of my head, sir, I do not.

9 Q. Do you know how many vehicles were behind you when in
10 pursuit?

11 A. Again, not off the top of my head I do not, sir.

12 Q. Okay. When we were looking at the video we saw a
13 couple of other units that were coming kind of the opposite
14 direction. It appeared they were pulled off to the side.
15 Did you notice those units?

16 A. Yes, sir.

17 Q. Were they stopped there for a particular reason, or do
18 you know?

19 ~~A. I don't know their mindset, sir.~~

20 Q. Do you know if they were in or out of the car?

21 A. I do not.

22 Q. How long total do you think the pursuit lasted minute
23 wise to the best you can remember?

24 A. A few minutes.

25 Q. A few minutes. Would you say less than five minutes?

1 A. Yeah.

2 Q. Were you aware with any of the radio traffic if there
3 were units set up anywhere to stop any of the car -- to stop
4 Mr. Wright's car?

5 A. No, sir, I am not.

6 Q. When you arrived back over at the ball field where is
7 Mr. Wright at that time?

8 A. I don't know, sir.

9 Q. Okay. And did you make any search of the immediate
10 area around the ball field?

11 A. As I advised earlier I went with K-9 once they came out
12 to attempt to locate a trail.

13 Q. Okay. And did that trail take you through the wooded
14 area or do you remember that?

15 A. It actually went through the neighborhood.

16 Q. Through the neighborhood itself. Now at some point you
17 receive a call from Deputy Colburn; is that correct?

18 A. Yes, sir.

19 Q. And you return to assist him at that point?

20 A. Yes, sir.

21 Q. And when you arrive that time do you see Mr. Wright at
22 that point?

23 A. Yes, sir.

24 Q. And where is he when you arrive?

25 A. He was on the ground.

1 Q. Okay. And at that time was he handcuffed, or do you
2 know?

3 A. I don't remember at that time.

4 Q. Okay. And when you arrived did you help to get Mr.
5 Wright up?

6 A. No, sir.

7 Q. Okay. Were there other deputies there that assisted in
8 that?

9 A. To be honest, sir, I don't remember. He -- I remember
10 seeing a significant amount of blood on him, and I don't
11 remember if EMS helped him up or if it was us.

12 Q. And do you remember EMS arriving on the scene?

13 A. Yes, sir.

14 Q. And do you know approximately how long after you were
15 there, or were they already on the scene when you arrived?

16 A. They -- honestly I don't remember.

17 MR. SMITH: Beg the court's indulgence for just a
18 moment.

19 ~~THE COURT: Yes, sir.~~

20 MR. SMITH: No further questions, Your Honor.

21 THE COURT: Any redirect?

22 MR. CORVEY: No, Your Honor.

23 THE COURT: All right. You may step down. Thank you
24 very much. Call your next witness, please.

25 MR. CORVEY: The State calls Deputy Matt Colburn.

1 THE COURT: I'm sorry, who are you calling?

2 MR. CORVEY: Matt Colburn.

3 THE COURT: Okay.

4 (WHEREUPON, the witness was duly sworn.)

5 THE CLERK: Please state your name into the microphone
6 and spell your last for the record.

7 THE WITNESS: Matthew Colburn, C-O-L-B-U-R-N.

8 **DIRECT EXAMINATION BY MR. CORVEY OF DEPUTY MATTHEW COLBURN:**

9 Q. Good afternoon, Deputy Colburn. Where do you work?

10 A. Charleston County Sheriff's Office.

11 Q. How long have you worked for the Sheriff's Office?

12 A. Approximately seven years, sir.

13 Q. Have you worked with any other law-enforcement
14 agencies?

15 A. No, sir.

16 Q. What are your duties with the Sheriff's Office?

17 A. Basically patrol functions, answer calls for service.
18 I enforce criminal and traffic laws.

19 Q. Were you working at a patrol deputy on the night of
20 February 16th, 2013?

21 A. Yes, sir.

22 Q. What happened that night?

23 A. I got dispatched to a reported shooting at [REDACTED] Betsy
24 Kerrison Parkway.

25 Q. Okay. And while you were on your way to that scene

1 what happened then?

2 A. I was advised that Deputy Phillips located a possible
3 suspect vehicle and was in a pursuit with that vehicle at
4 that time.

5 Q. Okay. And where were you coming from when the call
6 initially came in?

7 A. St. Andrews Boulevard.

8 Q. And where is that located?

9 A. West Ashley.

10 Q. Okay. So you were then traveling on to Johns Island?

11 A. Correct.

12 Q. And where did you go once arriving on Johns Island?

13 A. Down Maybank Highway which is where the pursuit was
14 heading to at crossover Maybank Highway off of Bohicket onto
15 Main Road and then was advised it had moved into the
16 Dunmovin neighborhood.

17 So I positioned myself on Hay Road which goes into the
18 Dunmovin neighborhood. I was informed that the pursuit then
19 ~~went into the park, which is on Hey Road.~~

20 Q. And then did you then position yourself on Hey Road?

21 A. Yes, sir.

22 Q. I am showing you State's 48. What does this show?

23 A. It is a picture of Hey Road and the left side of the
24 ballfield.

25 Q. And then can you see in that photograph where you

1 positioned yourself?

2 A. In the very far end it's a right-hand corner facing
3 this way (pointing), and I positioned my vehicle there. And
4 there is a tree just around the bend.

5 Q. You can actually drawn on the screen. Can you draw for
6 the jury where you were?

7 A. Right in this area (pointing).

8 Q. Okay. And were you standing off to the side?

9 A. Correct, off to the left-hand side from here.

10 Q. And why did you put your car there?

11 A. I mean the pursuit was in -- inside the park, and
12 there's only two ways to get in and out of the park; on Hey
13 Road going back towards Maybank Highway and there is another
14 one towards a Brownswood Road.

15 Q. Okay. And then did the suspect end up coming towards
16 you?

17 A. He did.

18 Q. I'm showing you State's 49. What does this show?

19 A. This is we -- a partial view of what I had. The
20 suspect vehicle was traveling towards me in the picture.

21 Q. So where are you located in reference to this picture?

22 A. It would be back off to the left-hand side of the
23 picture.

24 Q. And is the road that is displayed in this picture the
25 same road that was displayed in the last picture?

1 A. Yes, sir.

2 Q. So you are in the background of this?

3 A. On this side, yes, sir, I am towards the back.

4 Q. Okay. And then what is off to the right in this
5 picture?

6 A. The baseball fields.

7 Q. Okay. So we have the suspect then coming towards you,
8 and then what happens?

9 A. I observe a white pickup truck coming towards me at
10 which time it doubles back around and goes back away from

11 me. I hear a crash and then I observe a pickup truck
12 driving across the baseball field.

13 Q. Okay. Can you on the screen kind of draw his path of
14 direction here?

15 A. Coming this way and then doubles back (drawing).

16 Q. And that after he doubles back where does the crash
17 take place, just your best estimate?

18 A. In this area here (pointing).

19 ~~Q. I am showing you State's 47. So this is the baseball~~
20 field that we have here. And so where did he drive then
21 after he crashed through the fence on that baseball field?

22 And if you actually click that button up at the top of
23 the screen there's a clear option so you can clear. Kind of
24 far right.

25 A. Yes, sir.

1 (WHEREUPON, screen is cleared.)

2 A. Enters in this area here (pointing) and then drive
3 across the baseball field and then back this way.

4 Q. And then when he gets back to that end what is down at
5 that end of the baseball field?

6 A. There is another fence for the baseball field. He
7 crashes through the fence and into the wood line.

8 Q. Does his car stop at the wood line?

9 A. It does, yes, sir.

10 Q. And then what happens?

11 A. For that point I get back in my patrol car. Coming
12 back down Hey Road there is a gate that is here (pointing)
13 that was open. Go through the gate around in between the
14 ball fields here (pointing) and I approached the vehicle.

15 Q. Okay. And were you alone by the time you started
16 approaching the vehicle?

17 A. No, sir, there's multiple units with us.

18 Q. Okay. And who else was with you to the best you know?

19 A. Approaching the vehicle was myself and Deputy Bolander.

20 Q. Okay. So please just kind of describe for the jury
21 what happens once you have gotten out of your cruiser and
22 then are approaching the vehicle.

23 A. Myself and Deputy Bolander cleared the vehicle to make
24 sure there was nobody inside the vehicle itself or around
25 it.

DIRECT EXAMINATION BY MR. CORVEY OF DEPUTY MATTHEW COLBURN 261

1 Q. I am going to show you State's 72. So is this what the
2 vehicle looked like to you on approach?

3 A. Yes, sir.

4 Q. And so once you looked inside there was no one in the
5 vehicle?

6 A. Correct.

7 Q. After you realized there was no one in the vehicle what
8 did you do next?

9 A. Set up a parameter in the wood line in the ball field
10 itself and were trying to contain the suspect.

11 Q. And then did the search take place?

12 A. Yes, sir.

13 Q. What were your duties during the search?

14 A. Holding the perimeter. And then once canine got on the
15 scene I did run a track with the canine unit.

16 Q. Did the canine track yield anything?

17 A. Negative. No, sir.

18 Q. And then at this point as the canine track is going on

19 ~~and you are involved in that, can you kind of just describe~~
20 the scene at the park for the jury.

21 A. Multiple units on the scene from county and city
22 police. Approximately 20 units probably on the scene all
23 set up a parameter throughout the park itself and then
24 towards the back side of Brownwood.

25 Q. And then during the tracks that were going on did

1 anyone ever get any site of the suspect or a lead on him?

2 A. Not that I am aware of.

3 Q. So after the search kind of winds down what did you do
4 next?

5 A. After that I went to the scene on Betsy Kerrison.

6 Q. Okay. And then once you arrive on the scene at Betsy
7 Kerrison can you describe your observations for the jury?

8 A. Yes, sir, I arrived on the scene. There were numerous
9 citizens around the actual scene itself. I went there to
10 relieve units that were on the scene and to make sure the
11 scene itself was secure.

12 Q. And what did you do in securing the scene?

13 A. Put up caution tape. Kind of enlarged the scene itself
14 from the basic area that it was, to get people away.

15 Q. And you kind of described some people that were milling
16 about. How did they appear to you?

17 A. Some were distraught, crying, emotional. Others were
18 just onlookers there looking.

19 Q. Did you get any sense of who really that group was
20 comprised of?

21 A. I did not.

22 Q. Okay. And then were there any young girls on the scene
23 when you got there?

24 A. Yes, sir.

25 Q. Were you able to identify who they were?

1 A. I don't recall any names. I know one was the daughter
2 of the decedent.

3 Q. Okay. And did you have any contact with her?

4 A. I placed her in my patrol vehicle to separate her.
5 Gathered her information, basic information, to turn over to
6 the detectives just to separate her from everybody else.

7 Q. And why did you make the decision to separate her from
8 the larger crowd?

9 A. In case she had any information nobody could influence
10 her.

11 Q. Okay. And if you could just describe for the jury how
12 her demeanor was when you were interacting with her.

13 A. She was quiet. She would answer questions. But other
14 than that she was distraught. Not crying upset, but she was
15 distraught and quiet.

16 Q. So you then put her in your car, and then what happened
17 to her after you put her in your car?

18 A. She was turned over to the detectives.

19 ~~Q. Okay. And then how much longer after she was turned~~
20 ~~over to the detectives did you stay on the scene at Betsy~~
21 ~~Kerrison?~~

22 A. I couldn't say; but an approximate hour, hour-and-a-
23 half.

24 Q. Okay. And then what did you do after leaving the scene
25 at Betsy Kerrison?

1 A. I went back to the baseball fields to relieve dayshift
2 units that were on the scene there.

3 Q. Okay. And then once back on scene at the baseball
4 field what did you do next?

5 A. Secured the scene there. Relieved the dayshift units
6 so they could go home while forensics processed the scene
7 and had the vehicle removed.

8 Q. And then were you stationed there for the rest of the
9 night?

10 A. No, sir.

11 Q. Okay. Then what did you do?

12 A. After the vehicle was removed I left from the baseball
13 fields and there was a command post set up on Maybank
14 Highway at Simmons Gas Station. I went there and awaited
15 further instructions from Lieutenant Conkey, my supervisor.

16 Q. Is that nearby the baseball field?

17 A. It is close by, yes, sir.

18 Q. It is close by. So once you arrived back at the
19 command post what further instructions did you receive?

20 A. I was informed by Lieutenant Conkey to go ahead and go
21 back to the baseball fields to keep that area secure so they
22 could initiate another canine track in the morning.

23 Q. So while you were at the baseball fields, what
24 happened?

25 A. As I was at the baseball fields approximately 0:58

1 hours I observed the suspect emerge from the woods coming
2 towards my position. I exited my vehicle, challenged him to
3 the ground where he stayed until other units arrived on the
4 scene.

5 Q. Okay. And I want to talk to you about that. But first
6 you said 0:58. What time is that in standard time?

7 A. Midnight. 12:58 a.m.

8 Q. Okay. So it is almost one o'clock?

9 A. Correct.

10 Q. Okay. So I am going to show you State's 47. So where
11 were you positioned when you were working security on the
12 scene after you had returned?

13 A. Somewhere in this area here (pointing).

14 Q. Okay. And were you just parked out there with your
15 cruiser?

16 A. Correct.

17 Q. Okay. And then when you say you, you know, made sight
18 of the suspect, how did that happen?

19 A. ~~He emerged from the wood line from where his vehicle~~
20 wrecked into the fence line somewhere in this area, walking
21 towards me.

22 Q. And at that point his truck and everything else at the
23 scene had been processed already, so it was removed?

24 A. Correct.

25 Q. And so please kind of walk the jury through what

1 happens once you see him emerge from the wood line.

2 A. I exit my vehicle. I observe it is a black male
3 walking towards me in a camouflage jacket. Challenged him
4 to the ground. As he is walking to me I can see his hands
5 clearly; not up in a surrender position, but he is walking
6 towards me. He does comply after a few -- few times to
7 challenge to get on the ground to where he is held.

8 He does advise that he has been shot. I called
9 dispatch to let them know, have them send EMS to my
10 location. Multiple units show up on the scene to where he
11 is handcuffed and searched.

12 Q. And when he was walking out towards you is there -- did
13 he appear injured at all; was his gait or ---

14 A. Not that I could tell at the time.

15 Q. Did you notice anything else about his appearance?

16 A. I observed he was bloody. The jacket he was wearing
17 was bloody. His body was bloody. And that at which point
18 he did say that he was shot.

19 Q. So you then called it out and then other officers and
20 EMS came?

21 A. Correct.

22 Q. So what happened after EMS came?

23 A. He was handcuffed, searched, transported to Medical
24 University for treatment. I followed EMS down there and
25 waited relief from jail units.

DIRECT EXAMINATION BY MR. CORVEY OF DEPUTY MATTHEW COLBURN 267

1 Q. And who -- are the jail units just transport units to
2 take him to the jail?

3 A. Correct.

4 MR. CORVEY: Beg the court's indulgence, Your Honor.

5 THE COURT: Yes, sir.

6 Q. And just for a brief point of clarification, he was
7 from the scene taken to MUSC?

8 A. Correct.

9 Q. Okay. Thank you. No further questions at this time.
10 Please answer any questions they defense has.

11 THE COURT: Cross-examination.

12 MR. SMITH: Yes, Your Honor

13 **CROSS-EXAMINATION BY MR. SMITH OF DEPUTY MATTHEW COLBURN:**

14 Q. Deputy Colburn, when you were initially on the scene of
15 the ball field I think you said there were multiple units
16 there; is that correct?

17 A. Correct.

18 Q. And you indicated that there was probably at least 20
19 units there?

20 A. Approximate, yes, sir.

21 Q. And that consisted of both your units and the ones from
22 Charleston City police?

23 A. Correct.

24 Q. Now when you were advised to go back to the ball field
25 that evening just to secure the area were there any other

1 units there at that time?

2 A. No, sir, just myself.

3 Q. It was just you. When Mr. Wright came walking out of
4 the wood line were there other units already there?

5 A. No, sir. Just myself.

6 Q. Just yourself. Do you recall who arrived after he
7 walked out of the wood line and after you had advised that
8 he was walking out?

9 A. There was multiple units. I can't recall who was first
10 on the scene.

11 Q. Did you know if he spoke with anybody else other than
12 you?

13 A. I do not know that, sir.

14 Q. And do you remember Detective Lawrence being there at
15 some point?

16 A. I believe he was, yes, sir.

17 Q. Do you remember Detective Owen being there at some
18 point?

19 A. I can't recall.

20 Q. But there were multiple other people arrived; ---

21 A. Correct.

22 Q. --- is that correct? When you -- let's kind of skip
23 back just a little bit in time. Right after the vehicle
24 crashed you say that you were in kind of in a perimeter
25 search; is that fair to say?

1 A. Correct.

2 Q. And during that time are your weapons drawn?

3 A. Mine was not, not at that time.

4 Q. Were there other officers with weapons drawn; do you
5 remember that?

6 A. Yes, sir.

7 Q. And they were searching the area in and around the ball
8 field?

9 A. Correct.

10 Q. Now when Mr. Wright came out you ordered him to get on
11 the ground; is that correct?

12 A. Correct.

13 Q. And you didn't cuff him initially?

14 A. Correct.

15 Q. And you waited until other units arrived before you
16 placed him in cuffs?

17 A. Yes, sir.

18 Q. Okay. While he was on the ground what was your
19 distance from him?

20 A. Approximately 20 feet.

21 Q. And so is that kind of standard procedure to wait until
22 other units arrive to approach ---

23 A. Yes, sir.

24 Q. --- the subject? And once you do, that is when you
25 placed him in handcuffs?

1 A. Correct.

2 Q. You said he was cooperative after you called out to him
3 a couple of times to get to the ground; is that correct?

4 A. Correct.

5 Q. And then he advised you that he had been shot?

6 A. Yes, sir.

7 Q. Okay. And at that point do you call EMS or had EMS
8 already been called?

9 A. I called for EMS.

10 Q. And approximately how long was it before they arrived;
11 do you know?

12 A. A short while. Five minutes maybe.

13 Q. Five minutes. Okay. And from the time that you
14 initially took Mr. Wright into custody how long was he there
15 before other officers arrived; do you have any idea?

16 A. How long was he where?

17 Q. How long was he on the ground?

18 A. Approximately three minutes.

19 Q. Three minutes.

20 MR. SMITH: Beg the court's indulgence. No further
21 questions, Your Honor.

22 THE COURT: Any redirect?

23 MR. CORVEY: Briefly, Your Honor.

24 REDIRECT EXAMINATION BY MR. CORVEY OF DEPUTY MATTHEW

25 COLBURN:

1 Q. So Deputy Colburn, I want to get back in towards when
2 you -- when you were dispatched back out to the ball field
3 just to secure the scene for the canine track in the
4 morning. About what time were you sent out there?

5 A. I can't recall. I would say approximately 12:30ish,
6 somewhere about there.

7 Q. Okay. So you were out there for a little bit of time
8 before the defendant then came out of the wood line?

9 A. Yes, sir.

10 Q. And when you were out there were your lights and sirens
11 on and all?

12 A. Headlights on.

13 Q. Your headlights were?

14 A. Yes, sir.

15 Q. Were your blue lights on?

16 A. No, sir.

17 Q. Okay. And then I kind of want to talk to you a little
18 bit about once the defendant came out of the wood line you
19 ~~mentioned you had to order him to the ground a few times~~

20 before he complied?

21 A. Correct.

22 Q. Did you end up having to pull your gun?

23 A. Yes, sir.

24 Q. And then it was after you pulled your gun did he then
25 get on the ground?

1 A. A short time after, yes, sir.

2 Q. So after you pulled your gun did you have to instruct
3 him again to get back on the ground?

4 A. Yes, sir, approximately three to four times.

5 Q. And this is after you pulled your gun?

6 A. Correct.

7 MR. CORVEY: Court's indulgence. No further questions,
8 Your Honor.

9 THE COURT: Any recross?

10 MR. SMITH: No, Your Honor.

11 THE COURT: Okay. You may step down. Thank you very
12 much.

13 MS. SHEALY: Matt Adams.

14 (WHEREUPON, the witness was duly sworn.)

15 THE CLERK: Please state your name into the microphone
16 and spell your last name for the record.

17 THE WITNESS: My name is Matthew Palmer Adams,
18 A-D-A-M-S.

19 **DIRECT EXAMINATION BY MS. SHEALY OF MATTHEW ADAMS:**

20 Q. Mr. Adams, could you tell the jury where you are
21 currently employed.

22 A. Currently I am employed as a flight paramedic with Air
23 Methods which has a base out of Moncks Corner. I also work
24 part-time for Charleston County EMS as a paramedic.

25 Q. How long have you been working your new job?

1 A. For the last two months. Since December.

2 Q. And how long had you worked with the County and EMS?

3 A. Since 2008.

4 Q. Focusing your attention back to February 16th of 2013,
5 did you report to the Johns Island Park regarding an
6 individual who had been shot?

7 A. Yes, ma'am.

8 Q. And do you recall who it was that you went there with;
9 do y'all go in pair usually?

10 A. Yes, ma'am.

11 Q. Who is the other person that went with you; do you
12 remember?

13 A. My partner's name is Naomi Vitus.

14 Q. When y'all arrived there could you tell the jury please
15 where the person who had been shot was.

16 A. To the best of my recollection when we arrived on the
17 scene the subject who was shot was found in police custody
18 laying on the ground close to a wood line by the side of
19 a -- the park.

20 Q. Okay. And could you describe the demeanor of the
21 individual who had been shot?

22 A. He was very quiet. He did not speak very much to us as
23 we were providing care.

24 Q. And in providing care would you have to ask him
25 questions about his medical history?

1 A. Yes, ma'am.

2 Q. Did he initially give the information or ultimately
3 give the information?

4 A. Regarding his medical history, yes, ma'am, he did.

5 Q. As a part of tending to someone and giving them care at
6 the scene like that, would you try to determine where they
7 were hurting if anywhere?

8 A. Yes, ma'am.

9 Q. Did you ask him that question?

10 A. I did.

11 Q. And did he answer you?

12 A. He did not answer.

13 Q. Did you do any other assessment of him while at the
14 scene, or did you put him into the ambulance so y'all could
15 be traveling towards the hospital?

16 A. We completed our primary survey on the scene and
17 then ---

18 Q. And what is included in that?

19 A. Primary survey searches for immediate life threats,
20 things we would need to provide care for immediately. And
21 then once that was completed we immobilized him and placed
22 him into the back of the ambulance.

23 Q. Were you able to determine where it was that he had
24 been shot?

25 A. Yes, ma'am. We exposed his torso and were able to

1 locate the wounds that we were treating.

2 Q. And do you recall what area of the body they were
3 located?

4 A. If I remember correctly, the right side of his torso,
5 the upper portion of his abdomen on the right side, and his
6 chest wall as well. And there also was a small bit of soft
7 tissue damage to his right upper arm as well.

8 Q. Okay. Was he bleeding still?

9 A. No, ma'am, he was not actively bleeding.

10 Q. Now in working with a patient like that, do you also
11 determine their mental status?

12 A. Yes, ma'am.

13 Q. And what determination did you make regarding his
14 mental status?

15 A. He would have been normal mental status similar to you
16 or I right now.

17 Q. And then regarding motor or sensory deficits?

18 A. Yes, ma'am.

19 ~~Q. First of all, explain what we mean by motory deficits.~~

20 A. Motor deficits would be inability to voluntarily move
21 one of your extremities. And with sensory deficits it is
22 the inability to feel. When for instance if you introduce a
23 painful stimulus like pinching their toe or finger if they
24 were able to detect that or not.

25 Q. And do you recall whether or not you were able to make

1 a determination as to both his motor skills and his sensory?

2 A. Yes, ma'am.

3 Q. Okay. Tell us about that. How did you first of all
4 achieve those areas in trying to determine whether or not
5 there were any deficits?

6 A. With trauma patients we can keep everything very
7 simple. So asking them to squeeze our fingers and if they
8 are able to follow those commands we consider, you know,
9 their gross motor function in fact. And then asking them to
10 move their feet or their toes. And with the gentleman we
11 did both of those and he was able to comply. And so we
12 noted that his motor function was intact. And then we asked
13 him basically if he could feel us touching him. Which he
14 indicate that he could.

15 Q. And then do you also do an airway assessment?

16 A. Yes, ma'am.

17 Q. And what is meant by an airway assessment?

18 A. An airways assessment is if the patient is able to
19 maintain their own airway or breathe without any assistance
20 or any further interventions from who is providing care.

21 Q. And would you tell the jury please what were your
22 determinations as to his airway assessment.

23 A. He had a spontaneously patent airway which means he had
24 no foreign bodies, no blood or secretions in his airway.
25 And he did not require any interventions or assistance from

1 us to maintain his own airway.

2 Q. Do you also listen to his lungs?

3 A. Yes, ma'am.

4 Q. And what were your conclusions after listening to his
5 lungs?

6 A. He had clear lung sounds on both sides of his chest and
7 all lung fields that we were able to also take from the
8 front of his body.

9 Q. Do you determine whether or not there tends to be any
10 increase in working to breathe well when you're looking at
11 someone?

12 A. Yes, ma'am.

13 Q. And did he have any increase in having to be able to
14 breathe well?

15 A. No, ma'am, he had no increase work in breathing.

16 Q. What if anything is done about the cardiovascular
17 system?

18 A. We perform an initial assessment which we look for
19 ~~peripheral pulses. So with this gentleman we looked for a~~
20 radial pulse, while he had present. It was strong and
21 regular, which is a good indicator of his cardiovascular
22 status.

23 We also assess for a few other things including jugular
24 venous distention which is around the neck. And then we
25 just take a quick look at their skin color, temperature,

1 condition, which gives us a good indicator of how their
2 cardiovascular system is performing.

3 Q. And so as it related to -- the patient was Mr. Wright.
4 As it related to Mr. Wright does his cardiovascular system
5 seem to be working appropriately?

6 A. Yes, ma'am.

7 Q. Now have you answered calls that involved gunshot
8 wounds previously?

9 A. Yes, ma'am.

10 Q. Is that a somewhat frequent, unfortunate event that you
11 have to ---

12 A. Yes, ma'am.

13 Q. --- answer calls for?

14 A. Yes, ma'am.

15 Q. Regarding the injuries that you saw on him did they
16 seem consistent with a shotgun blast?

17 A. I would say, you know, based off of the amount of
18 tissue that was damaged that it did appear to be from
19 something similar to a shotgun.

20 Q. And what is meant by the term superficial soft tissue
21 injury?

22 A. Superficial gets into the top layers of the skin versus
23 having deep injury or, you know, I guess, you know, a deeper
24 tissue injury. Superficial would just be the top layer.

25 Q. Regarding Mr. Wright's condition were you able to

1 determine whether it appeared to be a soft tissue injury, a
2 superficial wound?

3 A. With gunshot wounds we always recognize the soft tissue
4 injuries first; however, we always have the underlying
5 suspicion of some type of injuries. And that is why, you
6 know, we provide emergent transport to the trauma center so
7 that way they can do a better system than we can in the
8 field.

9 Q. Okay. Very well. And other than answering questions
10 about -- did he give you some information about whether he
11 had high blood pressure?

12 A. Yes, ma'am, that was the question he answered about his
13 medical history.

14 Q. Do you inquire then about what type of prescriptions
15 someone may or may not be on?

16 A. Yes, ma'am.

17 Q. Would he answer those questions?

18 A. He did not answer that question.

19 Q. And in traveling with him to the hospital were you in
20 the back with him?

21 A. Yes, ma'am.

22 Q. Was there any other conversation had with Mr. Wright?

23 A. We asked him several other demographic questions for
24 his name, his date of birth, Social Security number, and his
25 address where he lived. And if I remember correctly the

1 only two questions that he did answer was his name and his
2 date of birth. He didn't provide any other answers or any
3 other conversation while we were transporting him.

4 Q. And just so we can understand what type of physical
5 distress he may have been in, did he appear to not answer
6 those questions because of some obvious pain he was
7 suffering from or did he just refuse to answer the
8 questions?

9 A. He did not appear to be in any obvious distress. He
10 did not appear to be in a great amount of pain. It appeared
11 he just did not want to speak to us or answer our questions.

12 Q. Okay. Thank you very much. Answer any questions that
13 the defense may have.

14 THE COURT: Cross-examination.

15 MR. SMITH: Yes, Your Honor.

16 **CROSS-EXAMINATION BY MR. SMITH OF MATTHEW ADAMS:**

17 Q. Mr. Adams, when you conduct the mental assessment or
18 mental status assessment of someone, what -- what goes into
19 that?

20 A. For -- we have three criteria when we look at someone's
21 mental status: Eye opening, verbal communication, and then
22 a motor assessment or their ability to follow commands.

23 Q. So that is not really a look into what is going on
24 mentally or whether they would have some type of mental
25 illness or anything like that; is that correct?

1 A. No, sir, it is more about their ability to answer
2 questions in relation to the verbal.

3 Q. And the solicitor asked you about trying to determine
4 whether or not these were superficial wounds or not. That
5 is really not what you are out there and interested in
6 trying to do; is that correct?

7 A. Correct.

8 Q. Your job is to stop any immediate threat to the person;
9 is that ---

10 A. Yes, sir.

11 Q. --- accurate?

12 A. Yes, sir.

13 Q. And then you're going to transport that person to a
14 trauma center ---

15 A. Yes, ma'am.

16 Q. --- later on? And they are better equipped to make any
17 assessment about the depth of injury or type of injury the
18 person has?

19 A. Correct.

20 MR. SMITH: No other question, Your Honor.

21 THE COURT: Any redirect?

22 MS. SHEALY: Nothing further.

23 THE COURT: You may step down. Thank you very much.

24 Let me see the attorneys up here just a second.

25 (WHEREUPON, bench conference was had.)

26

1 THE COURT: All right. Madam forelady, we are going to
2 take a break at this time. And it is a quarter till 1:00.
3 If you will be back in the jury room at 2:15 and we will get
4 started at that time. Please don't discuss the case amongst
5 yourselves or anyone else. If someone tries to talk to you
6 about the case, please walk away. And if you will be back
7 right at 2:15 we will try to get started at that time. See
8 you at 2:15.

9 (WHEREUPON, jury left courtroom 12:44 p.m.)

10 THE COURT: All right. Anything from the State before
11 we take a break?

12 MS. SHEALY: No, sir, Your Honor.

13 THE COURT: Anything from the defense?

14 MR. SMITH: No, Your Honor.

15 THE COURT: All right. We will break until 2:15.

16 (WHEREUPON, recess for lunch break February 3, 2015, at
17 12:44 p.m.)

18 (WHEREUPON, resumed trial February 3, 2015, 2:10 p.m.,
19 following lunch break.)

20 THE COURT: Anything from the State before we bring the
21 jury?

22 MS. SHEALY: Just a couple of things, Your Honor. The
23 next officer that I am putting up I will be putting the
24 evidence through, so I am going to need those items that you
25 have got, you know, those ---

1 THE COURT: Shells?

2 MS. SHEALY: --- pieces of evidence that you have got
3 back there.

4 THE COURT: Yeah, right here.

5 (WHEREUPON, exhibits provided.)

6 MS. SHEALY: How about the gun?

7 THE COURT: It is right there.

8 MS. SHEALY: Oh, it is back there.

9 THE COURT: Yeah.

10 MS. SHEALY: And while we are talking about the gun, I
11 ~~do have a ballistics expert from SLED coming. He will need~~
12 to actually physically hold the gun to be able to show the
13 jury, if that will work.

14 THE COURT: That's fine.

15 MS. SHEALY: Okay.

16 THE COURT: I just like to keep the two separate.

17 MS. SHEALY: That's fine. I understand.

18 THE COURT: During the trial. Anything from the
19 ~~defendant before we bring the jury?~~

20 MR. SMITH: Judge, there is a picture that we just had
21 marked Defendant's Exhibit 10. We just ask that that be
22 moved into evidence. I think it is without objection.

23 THE COURT: Number 10 without objection?

24 MS. SHEALY: That is correct.

25 THE COURT: Okay. It's another picture.

1 (WHEREUPON, Defendant Exhibit Number 10, photograph, was
2 marked for identification.)

3 (WHEREUPON, Defendant Exhibit Number 10 was admitted into
4 evidence.)

5 THE COURT: Okay. Anything else?

6 MR. SMITH: Your Honor, I just wanted to make sure. I
7 believe I moved one through nine in.

8 THE COURT: Yeah, one through nine, if we haven't
9 stated it, one through nine is admitted into evidence
10 without objection.

11 MR. SMITH: Thank you, Your Honor.

12 THE COURT: As well as ten. Anything else?

13 MR. SMITH: Nothing else.

14 MS. SHEALY: One further thing, Judge. Number 176 on
15 our list of evidence -- and I've already discussed it with
16 Mr. Smith -- that is actually not coming into evidence. You
17 can just scratch that, Your Honor.

18 THE COURT: I have got it on this -- your list, marked
19 as identification only.

20 MS. SHEALY: That is 173.

21 THE COURT: All right, 173.

22 MS. SHEALY: 173 is ID only.

23 THE COURT: Okay.

24 MS. SHEALY: And 176 is not coming in.

25 THE COURT: 173 is not coming in?

1 MS. SHEALY: That's correct.

2 THE COURT: Nor 173.

3 MS. SHEALY: I mean 176 is not coming in.

4 THE COURT: One seventy-six. How about 173?

5 MS. SHEALY: It is going to be marked for ID only at
6 this point.

7 THE COURT: All right. On your list I have got 159
8 through 176 for ID. The only one that should be ID is 173?

9 MS. SHEALY: That's correct. Beg the court's
10 indulgence just a moment.

11 THE COURT: All right. That is -- 141 there's two
12 calls. The first call has been admitted. The second call
13 has not been admitted. Two calls on that one. Probably to
14 be safe say 141A has been admitted and 141B has not been.
15 But they are on the same tape, right?

16 MS. SHEALY: That's right. So if the jury were to want
17 to hear those again, we have it marked what we played out
18 loud.

19 ~~THE COURT: How do you have it marked?~~

20 MS. SHEALY: We have the beginning time and the ending
21 time.

22 THE COURT: I know, but if they take it back, how ---

23 MS. SHEALY: I think we will have to bring them back
24 out here. Or we can make them during the deliberations we
25 could make a cassette of that part.

1 THE COURT: You could do what now?

2 MS. SHEALY: What we did in my last trial when the jury
3 wanted to hear something ---

4 THE COURT: Can y'all just have that part ---

5 MS. SHEALY: Yes. But we may not be able to do that
6 until deliberations. And I will have him sit with us to
7 make sure we both agree.

8 THE COURT: Okay. All right.

9 MS. SHEALY: But 140 and 141 should be in.

10 THE COURT: One forty-one there's two calls, and the
11 second call is not in. We will call it "A", and "B". "B"
12 is not -- they withdrew that. "A" call has been admitted.

13 MS. SHEALY: Actually I think it is "B" call that is
14 in. The first call was that one from that man.

15 THE COURT: Okay, so it's "A" is not in?

16 MS. SHEALY: "A" is not in.

17 THE COURT: Okay. "A" is not in. It is withdrawn. So
18 it would be 911 "B". Now they are not marked because they
19 are all on the same tape.

20 MS. SHEALY: We can remedy that during deliberations.

21 THE COURT: Why don't we instead of getting it confused
22 like that why don't we say 141 is admitted without
23 objection, and then before I let 141 go back it will be
24 edited properly.

25 MS. SHEALY: Okay.

1 THE COURT: Redacted properly, okay, before I send it
2 back to the jury room.

3 MS. SHEALY: And then one other matter.

4 THE COURT: And we will redact -- redact it before it
5 goes back to the jury room.

6 THE COURT REPORTER: Okay.

7 MS. SHEALY: One other matter. Then Exhibit Number 175
8 is not going to come in.

9 THE COURT: Latent prints?

10 MS. SHEALY: Right.

11 THE COURT: Okay.

12 MS. SHEALY: But hold on. There are photographs that
13 correlate to that. Photographs 94 through 98 ---

14 THE COURT: Ninety-four through ninety-eight.

15 MS. SHEALY: --- we are going to withdraw. And they
16 have not currently been shown to the jury.

17 THE COURT: Okay. Anything else?

18 MS. SHEALY: No, sir.

19 ~~THE COURT: Anything from the defense?~~

20 MR. SMITH: No, Your Honor.

21 THE COURT: Bring us the jury, please, sir.

22 (WHEREUPON, the jury enters February 3, 2015, 2:26 p.m.)

23 THE BAILIFF: All jurors are present, Your Honor.

24 THE COURT: Thank you, sir. Would you call your next
25 witness, please, ma'am.

1 MS. SHEALY: Thank you, Your Honor. Kathy Kjellman.
2 (WHEREUPON, witness was duly sworn.)

3 THE CLERK: State your name into the microphone and
4 spell your last name for the record.

5 THE WITNESS: My name is Kathy Kjellman. My last name
6 is spelled K-J-E-L-L-M-A-N.

7 **DIRECT EXAMINATION BY MS. SHEALY OF KATHY KJELLMAN:**

8 Q. Ms. Kjellman, If you would please tell the jury where
9 you work.

10 A. Charleston County Sheriff's Office.

11 Q. And what capacity do you work there?

12 A. Currently investigator.

13 Q. I'm sorry?

14 A. Investigator.

15 Q. Okay. And are you -- how long have you worked there?

16 A. Doing investigations ten years.

17 Q. And when you say investigations you are talking about
18 something different than the detective; is that correct?

19 A. Yes.

20 Q. What type of investigations are you involved in?

21 A. I deal with the whole the crime scene part of it,
22 respond to crime scenes collecting evidence and
23 photographing.

24 Q. Tell the jury if you would just briefly when you or
25 some other member of your team shows up at a crime scene

1 what are your goals when you get there?

2 A. The goals are just to collect evidence and anything
3 that might be related to the incident to further help the
4 investigation.

5 Q. And some of the items that you retrieve at a crime
6 scene are they then sent to SLED for analysis?

7 A. Yes.

8 Q. Okay. And I think we've heard about SLED; it is
9 located in Columbia?

10 A. Yes.

11 Q. And they have various technicians that analyze
12 different types of forensic evidence?

13 A. Yes.

14 Q. Okay. Now regarding this matter how many different
15 scenes did you go to?

16 A. I responded to actually three.

17 Q. And which were those?

18 A. The initial scene on Betsy Kerrison, the Dunmovin Park
19 ~~area where the truck was, and also Field Planters the house~~
20 that was under construction.

21 Q. Okay. Let's start with the Betsy Kerrison. That is
22 where you said you went first; is that correct?

23 A. Yes.

24 Q. And when you get to a crime scene tell us the
25 importance of taking photographs.

1 A. The initial photographs are to just tell you the scene
2 how it is before I start marking anything.

3 Q. And then when you say start marking, how do you mark
4 things?

5 A. Marking different pieces of evidence I might find on
6 the ground or wherever. And I mark it with little placards,
7 numbered or lettered placards.

8 Q. Okay. So if we can start with I'm showing you
9 photograph three, State's Exhibit 3. This will take a
10 second for it to show up. The crime scene tape, was that
11 already up when you got there?

12 A. Yes, it was.

13 Q. And those cones that are reflected in that photograph,
14 are those your cones or were those someone else's cones?

15 A. They actually belonged to the fire department and they
16 were placed on certain pieces of evidence to mark it for us.

17 Q. And showing you State's Exhibit 5. Is that just
18 another angle of the house?

19 A. Yes.

20 Q. And again, that crime scene tape was up before you got
21 there?

22 A. Yes, it was.

23 Q. I'm showing you State's Exhibit 8. Could you tell the
24 jury what this area reflects?

25 A. This is just looking at the one side of the trailer. I

1 am actually standing on Betsy Kerrison Parkway looking
2 directly at the trailer.

3 Q. And showing you State's Exhibit 9.

4 A. That is the side yard on the other side of where you
5 saw her vehicle.

6 Q. And what is that item next to a cone that is on the
7 ground; can you tell from there?

8 A. Next to the cone I -- it is not one of the cones that
9 the fire department put there.

10 Q. Okay.

11 A. I'm not sure where that came from.

12 Q. Showing you State's Exhibit 10. Was the body already
13 covered up by the time that you got there?

14 A. Yes, it was.

15 Q. And again, these cones are the initial cones put out by
16 the fire department; is that correct?

17 A. They were supplied by the fire department and the
18 on-scene deputies had put them in place.

19 ~~Q. Showing you State's Exhibit 11. What is that navy bag~~
20 ~~at the base of that car?~~

21 A. That is actually just the storage bag that the cones
22 were placed in.

23 Q. That the cones came in?

24 A. Yeah.

25 Q. And showing you State's Exhibit 12.

1 A. Those cones are actually there are to hold down the
2 sheet because it was kind of windy that day. I put them
3 there to hold down the sheet after I had already placarded
4 them. In the background you can see the placards.

5 Q. Point to those placards for us.

6 A. There (pointing), there (pointing); and there is one
7 there (pointing).

8 Q. And showing you State's Exhibit Number 13. That has
9 been marked Placard One. Could you tell the jury what that
10 reflects?

11 A. That is a spent 20-gauge shotgun shell.

12 Q. Okay. So showing you State's Exhibit 142 I ask you
13 whether you can identify that.

14 A. Yes, that is the spent 12-gauge shotgun shell.

15 Q. And when you put it into a bag can you tell us whether
16 or not this was sent to SLED?

17 A. I believe it has been by the initials on the seal at
18 the top.

19 Q. At the top of the bag?

20 A. Yes.

21 Q. Okay. Showing you State's Exhibit Number 14. What
22 does this picture depict?

23 A. That is the 12-gauge shotgun that was on the scene.

24 Q. And State's Exhibit 15?

25 A. That is a spent 12-gauge shotgun shell that was jammed

1 in the action.

2 Q. That was jammed in the ---

3 A. Yes.

4 Q. And when you say it was jammed, there are ballistics
5 specialists at SLED; is that correct?

6 A. Yes.

7 Q. And when this item would have been sent to SLED would
8 it have been sent in that condition or would the shell
9 casing have come out?

10 A. I took the shell casing out on the scene.

11 Q. Okay. And showing you State's Exhibit 144. Do you
12 know whether this is the one that came of the gun? Well,
13 let me show you State's 154. Are those two different shell
14 casings, spent shell casings that were found at the scene?

15 A. Yes, they are.

16 Q. And could you using the State's exhibit number tell us
17 which is which.

18 A. Okay. State's Exhibit 154 actually came out of the
19 shotgun.

20 Q. And is depicted here?

21 A. Yes.

22 Q. And the other number?

23 A. And State's Exhibit 144 was actually a spent 12-gauge
24 shell that was actually found on the scene. And I believe
25 it was actually near the driver rear of the -- her vehicle.

1 Q. Okay. So let's go to State's Exhibit 16. And there
2 are several placards in this area?

3 A. Yes.

4 Q. Could you tell me whether or not that shell casing is
5 depicted in this photograph?

6 A. Exhibit 144 is actually going to be this one right here
7 (pointing).

8 Q. Placard Number Three?

9 A. Yes.

10 Q. And then Exhibit -- Placard 5 what is that depicting?

11 A. That is a black wallet and a keychain.

12 Q. And is the wallet a part of the keychain?

13 A. Yes, and it is actually the whole thing is attached.

14 Q. And you took that into evidence; is that correct?

15 A. Yes, I did.

16 Q. Do you recall whether or not that was given back to a
17 family member?

18 A. It was returned to a family member.

19 Q. Okay. And do you happen to know when it was returned;
20 do you have that information with you?

21 A. Just one second and I can tell you. It was returned on
22 February 20, 2013.

23 Q. So four days after the killing?

24 A. Yes.

25 Q. And Placard Number 4. Do you see -- it is kind of hard

- 1 to see in that photograph. Do you see that?
- 2 A. Yeah, just right down by the tire.
- 3 Q. Do what?
- 4 A. It is right down by the tire.
- 5 Q. Okay. And what is that actually a photograph of?
- 6 A. That is -- I called it a Mason jar.
- 7 Q. Showing what has been marked as State's Exhibit 145. I
- 8 don't know if you want glasses -- I mean gloves. Sorry.
- 9 A. I can just look at in the bag.
- 10 Q. I would like for you to pull it out.
-
- 11 A. Okay. It is kind of dirty so. (Witness complied.)
- 12 Q. And is that what you refer to as a glass Mason jar?
- 13 A. Yes.
- 14 Q. Then Placard 6 can you circle that for us in the
- 15 photograph?
- 16 A. Placard 6 is up here.
- 17 Q. And what does that depict?
- 18 A. Number 6 is a light black Nike sandal.
-
- 19 Q. ~~And when you say a, you just mean one of a pair of~~
- 20 ~~them?~~
- 21 A. Just one of them, yeah.
- 22 Q. Showing you 146 can you show that to the jury. You
- 23 just may want to keep your gloves.
- 24 A. I didn't want to touch the screen because it's dirty.
- 25 Q. Oh, okay.

1 A. (Displays shoe.)

2 Q. Thank you. Now I'm not sure if you will need to see
3 another picture or not, but looking at this photograph can
4 you tell me where those back stairs are -- or the front
5 stairs that lead into the home.

6 A. What appeared to be the main entrance of the home is
7 actually would be back over in that direction there
8 (pointing).

9 Q. Okay. And those items in evidence, are they as you
10 walk into the yard from the step area?

11 A. They are toward the back right of the trailer.

12 Q. Well, let me show you State's Exhibit 5. Can you tell
13 in relationship to the stairs in that photograph where these
14 items are?

15 A. Yeah, they would ---

16 Q. How about --

17 A. On the ground.

18 Q. Would you erase those others.

19 (WHEREUPON, clerk complied.)

20 Q. Thank you. Where do these items begin in that
21 photograph?

22 A. The Mason jar, the key ring, and one of the spent shell
23 casings -- or shotgun shells were in this area here on the
24 ground (pointing).

25 Q. Okay. And then showing you again 17 just to kind of

1 orient the jury. That's where they are located as to the
2 back tire of the vehicle?

3 A. Yeah, the driver's side, rear tire.

4 Q. Now did you also find some items in a different area of
5 the yard?

6 A. Yes, up closer to the Betsy Kerrison side of the yard.

7 Q. Let's start with the brown canvas gun bag. Showing you
8 State's Exhibit 23. Could you point out the brown canvas
9 gun bag for me.

10 A. It is Placard Number 7. The placard is actually
11 sitting right on top of the bag.

12 Q. And does State's Exhibit 147 reflect the brown canvas
13 bag?

14 A. Yes, that is the same bag.

15 Q. And then did you remove items from within that brown
16 bag?

17 A. Yes, I did.

18 Q. Showing you State's Exhibit 149. Could you open that
19 ~~and describe to the jury what is found in there.~~

20 A. There are several live 12-gauge shotgun rounds. There
21 are 14 of these. And there's also rifle casings in a box.
22 And there's 13 of them in there, live rounds.

23 Q. Okay. And that State's exhibit number is what again?

24 A. One forty-nine.

25 Q. Now was there an ammo belt found near that brown canvas

- 1 bag?
- 2 A. Yes. In this picture it is actually on the other side
- 3 of the bag.
- 4 Q. Let me see Photograph 25, please.
- 5 (WHEREUPON, displayed on Elmo.)
- 6 Q. And is that the ammo belt?
- 7 A. Yes, the camouflage right there (pointing).
- 8 Q. And when you came upon these items they were on the
- 9 ground?
- 10 A. Yes.
- 11 Q. And they were located closer going toward the street
- 12 than ---
- 13 A. Closer to Betsy ---
- 14 Q. --- Ms. Ford's vehicle?
- 15 A. Yes, closer to Betsy Kerrison road, yes.
- 16 Q. Okay. And was the ammo belt outside of that bag when
- 17 you found it?
- 18 A. Yes, it was.
- 19 Q. And is that ammo bag in that -- in our canvas bag?
- 20 A. I would have to double check to make sure.
- 21 Q. Could you look for me.
- 22 A. (Witness complied.)
- 23 Q. And could you pull that out.
- 24 A. (Witness complied.)
- 25 Q. And that was found beside the brown canvas bag that was

1 on the ground?

2 A. Yes, it was.

3 Q. Now when you came upon the ammo belt did it have
4 ammunition in it?

5 A. I found two live rounds in it.

6 Q. And showing you State's Exhibit 148. I ask you if
7 those are the two live rounds.

8 A. Yes, they are.

9 Q. Okay. And what type of ammunition is this?

10 A. Twelve-gauge.

11 Q. Twelve-gauge. And the shotgun that you had recovered,
12 it was a 12-gauge?

13 A. Yes, it was.

14 Q. And so these were live rounds still remaining in the
15 ammunition belt?

16 A. Yes.

17 Q. Did you also see a Boost Mobile receipt?

18 A. Yes, I did.

19 ~~Q. Showing you State's Exhibit 28. Is that the receipt~~
20 ~~that you found?~~

21 A. Yes.

22 Q. And showing you what has been marked as State's Exhibit
23 150. Is that the receipt itself?

24 A. Yes, it is.

25 Q. And could you tell the jury the date on that receipt?

1 A. February 16th, 2013.

2 Q. And showing you State's Exhibit 151 -- I'm sorry, 29.

3 What does that reflect?

4 A. That is a black, plastic garbage bag with men's
5 clothing in it.

6 Q. Let me move some of these items. And did you actually
7 gather that bag?

8 A. Yes, I photographed it and collected it.

9 MS. SHEALY: May I ask that she step down, Your Honor?

10 THE COURT: Yes, ma'am.

11 (WHEREUPON, witness stepped down to in front of jury.)

12 Q. Would you pull that out and tell the jury what was
13 inside that bag.

14 A. I don't know if this bag is going to hold together.

15 Q. Well, you know what, you don't have to pull it all the
16 way out. Have you looked inside the bag previously?

17 A. Yes.

18 Q. And was it items of men's clothing?

19 A. Yes.

20 Q. And that also was found behind Ms. Ford's vehicle; ---

21 A. Yes.

22 Q. --- is that correct?

23 A. Yes.

24 Q. You can go ahead and have a seat.

25 (WHEREUPON, witness returned to witness stand.)

1 Q. The shotgun that you found -- looking for our
2 photograph that shows where actually that was found on the
3 scene.

4 MS. SHEALY: Could I see State's Exhibit 19.

5 (WHEREUPON, complied with display on ELMO.)

6 Q. Now, that is just -- that is another view from the
7 wallet, the Mason jar and the spent ---

8 A. And the spent casing.

9 Q. --- and the flip-flop?

10 A. And the flip-flop, yes.

11 Q. So that will show us the relationship between the
12 chair -- the stairs and where those items were found?

13 A. Yes.

14 MS. SHEALY: Beg the court's indulgence for just a
15 moment.

16 Q. I am showing you State's Exhibit 10. It is hard for me
17 to see the little squares. Can you see where the shotgun is
18 in that photograph?

19 A. I don't think I can see it on this photograph, but I
20 know it is over in this area right here somewhere
21 (pointing). It might be just off the screen.

22 Q. Let's look at State's 12. Can you see it in that
23 photograph?

24 A. It is still going to be over that way (pointing)
25 further.

1 Q. Well, was it laying by itself?

2 A. Yes, it was.

3 Q. And it was above that vehicle but off to the side of
4 where Ms. Ford was found; ---

5 A. Yes.

6 Q. --- is that correct?

7 A. Yes.

8 Q. Now while you were out there did you do a gunshot
9 residue swabbing of Ms. Ford's hands?

10 A. Yes, I did.

11 Q. And can you describe for the jury how that was
12 accomplished?

13 A. Swabbing of the hands is simply those little sticky
14 pads. They are like they are maybe this big (motioning).
15 And you just tapped her on the back of the hand. You have
16 got a swab -- a little sticky pad for the back of the hand,
17 the front of the hand. And do it one on each hand.

18 And there's also a -- at the time we were taking swabs
19 of the hand, which is a little Q-tip and rubbing -- the same
20 thing, rubbing the back of the hand and rubbing the front of
21 the hand; one swab for the back, one swab for the front.

22 Q. And those items then would have been sent to SLED ---

23 A. Yes..

24 Q. --- for analysis; is that correct?

25 A. Yes.

1 Q. Okay. Is that everything you did at the scene; you
2 also went inside and took some photographs that we've looked
3 at earlier, the inside of the house; is that correct?

4 A. Yes.

5 Q. And where did you go after you finished up at Betsy
6 Kerrison?

7 A. After Betsy Kerrison I believe I went back to the
8 office.

9 Q. Tell us what you do with the items that you collected
10 while at Betsy Kerrison; did they go with you to the next

11 location ---

12 A. Yes.

13 Q. --- or did you have to take that back to your compound?

14 A. Yeah, they -- after I collected and everything at
15 this -- after I collect it and physically pick it up off the
16 ground it gets locked up and secured in my vehicle. And
17 from there it gets taken directly over to my office and gets
18 secured there.

19 Q. Okay. And the next location then was Dunmovin?

20 A. I believe I stopped and -- Investigator Watson was
21 actually helping me out. He was at the scene of Dunmovin
22 Park.

23 Q. Okay. Did you actually go over to the Field Planters?

24 A. Yes, I did.

25 Q. And Field Planters was the place where there was a

1 house under construction; is that correct?

2 A. Yes.

3 Q. Showing you what has been marked as State's Exhibit 84.

4 Is that -- I'm sorry. Is that the home that you went into?

5 A. Yes.

6 Q. And who went with you into that residence ---

7 A. It was ---

8 Q. Not really a residence yet, but a house under
9 construction.

10 A. It was myself and Investigator Watson.

11 Q. And showing you State's Exhibit 85. Were there ---

12 A. That's ---

13 Q. Go ahead.

14 A. That is the front porch. I'm sorry.

15 Q. And were there some what looks like damp, bare feet
16 prints on that piece of Styrofoam?

17 A. I mean I could tell it was footprints on the Styrofoam.

18 Q. Okay. And then State's Exhibit 86. Did that reflect
19 the back of that address?

20 A. Yes, it does.

21 Q. And in looking at that photograph where is the ball
22 field in relationship to that?

23 A. I believe the ball field is going to be over in this
24 direction here (pointing).

25 Q. And was it a wooded area behind this home?

1 A. It was a small, wooded area behind the ballpark and the
2 back yard of this house.

3 Q. Okay. State's Exhibit Number 87. And is -- does that
4 reflect one of the rooms in the house under construction?

5 A. Yes, it does.

6 Q. And when you were in this room did you take a swab from
7 that closet area?

8 A. Yes, I did.

9 Q. And did that also get sent to SLED? I am showing you
10 State's Exhibit 156.

11 A. This is a blood swab from the bedroom closet.

12 Q. Let's go back for a second because I have been looking
13 for that photo of the shotgun.

14 MS. SHEALY: Can we go back to State's 4 for a second.
15 (WHEREUPON, exhibit was shown on ELMO.)

16 Q. Can you see it in that photograph? Let me see if the
17 photograph itself is a little bit easier to see.

18 A. I know it has got a Number 2 Placard on it.

19 ~~Q. And was there a cone already marking it when you~~
20 arrived there?

21 A. Yes.

22 Q. I am showing you the actual photograph itself,
23 State's 4. Can you at least point to the cone that was
24 marking it.

25 A. Okay, I believe it is this cone right here (pointing).

1 Q. It is just so dark in the grass there it is a little
2 hard to see.

3 A. Yeah.

4 Q. But again, you took close-ups of it, Pictures 14 and
5 15?

6 A. Yes.

7 Q. Okay. So back to the bedroom and the house under
8 construction. I handed you what had been sent to SLED, a
9 swabbing of that area.

10 A. Yes.

11 Q. And was that to determine whose blood was in the closet
12 area?

13 A. Yes.

14 Q. Okay. And in looking at 87 again, do you see a path
15 towards the window and then back towards the closet on the
16 floor?

17 A. Yeah, you can see like what may be a damp or wet area
18 going from the closet to the window.

19 Q. Showing you State's Exhibit 157, those two dark items
20 depicted on that photograph, what are those of?

21 A. Those are two black socks.

22 Q. And in 157 does that contain those two socks? You
23 don't have to open it if you can tell by the labeling.

24 A. Yes, it is the two black socks in the picture.

25 Q. And showing you State's Exhibit 88 is that a closer up

1 picture of those socks?

2 A. Yes.

3 Q. Now as -- in your role as an evidence technician or
4 investigator do you also receive items after autopsy?

5 A. Yes.

6 Q. And those would then come from MUSC where the
7 pathologist works; ---

8 A. Yes.

9 A. --- is that correct? And when -- when someone arrives
10 at autopsy in their clothing is it customary that the

11 technicians at the autopsy will take photographs of the
12 clothing while they are there?

13 A. Yes.

14 Q. Okay. Now showing you State's Exhibit 158. It looks
15 like two things are marked in the same box; 158 being a
16 black, long sleeve T-shirt from Ms. Ford ---

17 A. Yes.

18 Q. --- and a black jacket as 160; do those have your
19 markings?

20 A. No, none of those markings belong to me on that box.

21 Q. Okay. I'm talking about the -- how about the labels?

22 A. Oh, the labels, yes. I thought you were talking about
23 the handwriting.

24 Q. Oh, sorry. So this is what those two items of clothing
25 are packed in; ---

1 A. Yes.

2 Q. --- is that correct? And 159, the black bra that Ms.
3 Ford had on, is that contained within that bag?

4 A. Yes, it is.

5 Q. And these are marked with biohazard labels. Is that
6 because they have blood on them?

7 A. Yes.

8 Q. One-sixty-one, a pair of blue jeans with a black belt.
9 This also came from autopsy; is that correct?

10 A. Yes.

11 Q. And that is Ms. Ford's?

12 A. Yes, it is.

13 Q. Now from her bra at autopsy a pellet was found; is that
14 correct?

15 A. Yes.

16 Q. And showing you State's Exhibit 163, the pellet from
17 the bra, is this what was returned to you from autopsy?

18 A. Yes, it was.

19 Q. Well, I don't know how I can hold this up. Okay.
20 Let's see. This is the pellet that was found on her bra --
21 or in her bra?

22 A. Yes, it was removed from her bra.

23 Q. In addition to that, there was a pellet found in the
24 wound tract; is that correct?

25 A. Yes.

1 Q. With some wadding?

2 A. Yes.

3 Q. And I think we may have a photograph of this. Let's
4 try it that way. This is 164 showing you Photograph 130.
5 That reflects what is contained now in this exhibit number;
6 is that correct?

7 A. Yes.

8 Q. And it was labeled as is reflected there, the pellet
9 and wadding from the wound track; ---

10 A. Yes.

11 Q. --- is that correct? And then a pellet from the chest
12 which is State's Exhibit 165. And if we could see
13 Photograph 131, this is the pellet from the chest?

14 A. Yes.

15 Q. So all three of these items were found during
16 autopsy ---

17 A. Yes.

18 Q. --- and turned in to you?

19 A. Yes.

20 Q. Now were there also some items from Mr. Wright that had
21 been provided to you?

22 A. Yes.

23 Q. And were those received from MUSC?

24 A. Yes.

25 Q. One of those was a camo jacket?

1 A. Yep.

2 Q. Showing you State's Exhibit 138. And this item it
3 contains that jacket that is depicted here?

4 A. Yes, it does.

5 Q. And there was some wadding that was found also in
6 relationship to Mr. Wright; is that correct?

7 A. Yes.

8 Q. Showing you what's been marked as State's Exhibit
9 Number 66, I ask you if that is the wadding that was found.

10 A. Yes, it is.

11 Q. Okay. And showing you State's Exhibit 137, does that
12 reflect what is contained in that area?

13 A. Part of it, yes.

14 Q. Also showing you 136, was that also contained?

15 A. Yes, that is everything that's in that.

16 Q. So can you describe to the jury what those three things
17 felt like and what you believed them to be?

18 A. The top one, this one here (pointing), is going to be
19 like a hard, almost clear plastic. The black piece right
20 there (pointing) is also plastic but very thin. And the
21 bigger piece here (pointing) is actually that one here.
22 That is actually -- it is hard to describe. It almost felt
23 like it was like wet cardboard. And it was really squishy.

24 Q. And so does Photograph 137 reflect you're trying to
25 show the consistency?

1 A. Yes, that is the piece I am holding between my fingers.

2 Q. Now tell the jury what a buccal swab is.

3 A. A buccal swab is just a swab that you take of the
4 person's mouth. It is all around the gums and everything
5 else. They collect a DNA sample from that person.

6 Q. And that is used to make a DNA comparison?

7 A. Yes.

8 Q. And in fact was the buccal swab taken from Timothy
9 Wright in this case?

10 A. Yes.

11 Q. And showing you State's 168, does this reflect the
12 buccal swab that was taken from Timothy Wright?

13 A. Yes, it does.

14 Q. And were they then sent to SLED for DNA analysis?

15 A. Yes, they were.

16 Q. And from autopsy can you also get a blood spot from the
17 victim?

18 A. Yes.

19 ~~Q. And in this case was a blood spot obtained from Melinda~~
20 ~~Ford's body?~~

21 A. Yes, it was.

22 Q. Showing you State's Exhibit 162. I ask you if that is
23 the blood spot?

24 A. Yes, it is.

25 Q. And did that in fact go to SLED?

1 A. Yes, it did.

2 Q. Now were there some things that you did back at your
3 evidence compound regarding the evidence?

4 A. Yes.

5 Q. Did you process the Toyota?

6 A. Yes, I did.

7 Q. And what is meant by the term processing a vehicle?

8 A. Processing simply means I am going to photograph it and
9 process it for DNA and fingerprints and anything else that
10 may be on the search warrant.

11 Q. Showing you State's Exhibit 89, is that a photograph of
12 Mr. Wright's vehicle once it was towed to your compound?

13 A. Yes.

14 Q. The items that were in -- that are in the back of the
15 truck, ---

16 A. Yes.

17 Q. --- they had been emptied from his truck during the
18 police chase; is that correct?

19 A. Yes.

20 Q. Were all the items that had come out of the truck put
21 back in the -- what do you call that, the back of the truck?

22 A. I believe the only thing that was in the truck that we
23 couldn't get back in the truck was the toolbox that would go
24 across the back right up in here (pointing).

25 Q. Okay. And showing you State's Exhibit 90. Is that

- 1 another view of the truck itself?
- 2 A. Yeah, this is the dog box is in the back.
- 3 Q. Okay. State's Exhibit 91?
- 4 A. It's the passenger side seat and compartment area.
- 5 Q. Now the glove box area, is that glove box open?
- 6 A. Yes.
- 7 Q. Could you circle that for us?
- 8 A. There (circling).
- 9 Q. And it appears that there is some paperwork in the
- 10 glove box?
-
- 11 A. Yes.
- 12 Q. Showing you what's been marked just for ID purposes as
- 13 173. Could you just tell us what type of evidence is in
- 14 that folder?
- 15 A. This is a concerned citizen ---
- 16 Q. Just is it a document of some sort?
- 17 A. Yes.
- 18 Q. Is it a letter?
-
- 19 A. Yes.
- 20 Q. And that was taken from that glove box area; ---
- 21 A. Yes..
- 22 Q. --- is that correct? Was there an envelope along with
- 23 the letter?
- 24 A. Yes.
- 25 Q. And was the letter in the envelope when you -- when you

1 search the glove compartment, or were they already
2 separated?

3 A. The letter was in the envelope.

4 Q. Still in the envelope?

5 A. Yes.

6 Q. Had the envelope been opened?

7 A. Yes.

8 Q. Did you also obtain Timothy Wright's wallet?

9 A. Yes, I did.

10 Q. And showing you what's been marked as State's Exhibit
11 172 could you tell the jury whether that contains his
12 wallet.

13 A. This is a black wallet for Timothy Wright. It was
14 found in the truck.

15 Q. And how much currency was in that wallet?

16 A. It was \$340.

17 Q. Three hundred and forty dollars?

18 A. Yes.

19 Q. Did you also find a cell phone while searching the
20 vehicle?

21 A. Yes, I did.

22 Q. And showing State's 171, could you tell the jury where
23 you found this in the vehicle and what type of phone it is.

24 A. It is a Samsung Galaxy S2 that was in the Toyota. It
25 was sitting on top of the center console.

1 Q. Okay. So showing you State's 103, that is a photograph
2 of the items that were contained within his wallet?

3 A. Yes.

4 Q. And showing you State's Exhibit Number 101, does that
5 depict the cell phone that you just told us about?

6 A. Yes.

7 Q. And State's Exhibit 108?

8 A. That is the driver's seat. The picture is sideways.

9 Q. Oh, it is sideways, isn't it.

10 MS. SHEALY: Can you turn that. No? Okay.

11 Q. Okay. I don't know if you can tell this since it is
12 not facing the correct way, but where was the telephone
13 found?

14 A. The telephone was actually on top of the center console
15 right there.

16 Q. Okay. And showing you 102, is that where the wallet
17 was found?

18 A. Yes, that is actually the gear shift.

19 Q. Now looking back at State's 108, was there any type of
20 cutting done from the area?

21 A. Actually cut where you see the blood in the side of the
22 seat here I actually cut that whole piece out.

23 Q. And showing you State's Exhibit 174, is this the
24 cutting that you did from that area?

25 A. Yes, it is.

1 Q. And was that item sent to SLED for comparison?

2 A. Yes, it was.

3 Q. Now with the shotgun itself did you swab some areas of
4 the shotgun back at Pinehaven at the compound?

5 A. I know SLED took some swabs from the shotgun.

6 Q. Did you take a swab from the shotgun barrel, or was it
7 sent to SLED for those purposes?

8 A. I think it was sent to SLED for them to collect it.

9 Q. Okay. Did you receive back any of those swabbings?
10 Let me show you State's Exhibit 170. And looking at that
11 label might help you.

12 A. Okay, I did take a swab from the trigger of the
13 shotgun.

14 Q. Okay. And was that sent to SLED?

15 A. I believe it was.

16 Q. And State's Exhibit 169 and 178, these are the swabs
17 that you were talking about were generated actually at SLED
18 by SLED of the shotgun?

19 A. Yes.

20 MS. SHEALY: Beg the court's indulgence just a moment.

21 BY MS. SHEALY:

22 Q. Now the GSR kit you told us about, the one that you did
23 on Melinda Ford; there had also been one done on Kadasha J.

24 ; that also went to SLED for analysis; is that
25 correct?

1 A. Yes.

2 Q. And would you tell the jury is there a timeframe past
3 which SLED will not analyze gunshot residue samples?

4 A. Any time if you collect a gunshot six hours after the
5 incident, they won't test it.

6 Q. Are you aware of there being greater than six hours
7 between the time of this shooting and the apprehension of
8 Mr. Wright?

9 A. The incident took place I believe it started at about
10 twenty after 6:00 on February 16th. Mr. White wasn't taken
11 into custody until after one o'clock.

12 Q. One o'clock in the morning?

13 A. Yes, the next morning.

14 Q. Now looking at just a couple of other photos from the
15 Toyota, showing you State's Exhibit 92. If you will clear
16 that marking.

17 A. (Witness complied.)

18 Q. Those were other items that had been ejected from the
19 truck?

20 A. Yes.

21 Q. And they were just put back in the truck for y'all
22 to ---

23 A. Yes.

24 Q. --- look at? One thing that you said did not fit back
25 in is State's Exhibit 93. And what does that depict?

- 1 A. That is the truck box that was in the truck.
- 2 Q. It is the what?
- 3 A. The truck box that was in the truck.
- 4 Q. Were -- was there also a black bag found where the
- 5 truck stopped in that wooded area by the baseball field?
- 6 A. I believe Investigator Watson did find a black ---
- 7 Q. And showing you ---
- 8 A. --- garbage bag.
- 9 Q. I'm sorry?
- 10 A. He did find a black garbage bag there.
- 11 Q. And showing you State's Exhibit 105, is that the bag
- 12 that came from that area?
- 13 A. Yes.
- 14 Q. And showing you State's Exhibit 106, does that show you
- 15 the contents of the bag?
- 16 A. Yes, it does.
- 17 Q. And does that appear to be men's clothing?
- 18 A. Yes.
- 19 Q. So one bag found on the ground at Betsy Kerrison and
- 20 one found near the truck where it no longer could go forward
- 21 by the baseball field?
- 22 A. Yes.
- 23 Q. Okay. When you took photos at Betsy Kerrison there was
- 24 another black bag; do you recall that?
- 25 A. Inside the house, yes.

1 Q. And showing you State's Exhibit 40, could you point to
2 the bag that you are referring to.

3 A. It is right there (pointing).

4 Q. And did that bag also appear to be packed?

5 A. Yes.

6 MS. SHEALY: Beg the court's indulgence just a moment.
7 I have no further questions. Please answer any that defense
8 may have.

9 THE COURT: Cross-examination.

10 **CROSS-EXAMINATION BY MR. SMITH KATHY KJELLMAN:**

11 Q. Good afternoon.

12 A. Good afternoon.

13 Q. I have a few questions about the scene at Betsy
14 Kerrison.

15 A. Okay.

16 Q. Okay. Did you do any measurements between the items
17 that were found?

18 A. Yes, I did.

19 ~~Q. Can you give us an idea of --- taking a look at this, do~~
20 you have any idea how far the car was parked from the bottom
21 of the steps; were there any measurements taken on that?

22 A. I believe from the corner of the trailer, which would
23 be right here (pointing), to the passenger side front tire
24 is 37 feet.

25 Q. Thirty-seven feet.

1 MR. SMITH: And if you could put up State's 17, please.

2 Q. And do you have any idea how far these items that are
3 all within fairly close proximity to each other could you
4 tell us approximately how far those were from the steps of
5 the trailer?

6 A. From the steps of the trailer, no. I didn't take a
7 measurement from the steps to the -- no.

8 Q. When you went into the home at Betsy Kerrison did you
9 photograph the entire home?

10 A. Yeah, I took overall photographs of the inside.

11 Q. Okay. And one of the things that you look for in this
12 situation would be whether there were any signs of a
13 struggle on the inside of the home; is that ---

14 A. Yes.

15 Q. Were you -- did you find any signs of struggle inside
16 the home?

17 A. Nothing that was apparent, no.

18 Q. At some point we hear testimony earlier today about a
19 shell casing that was moved. Did you receive information
20 about that when you arrived?

21 A. Yes, I did.

22 Q. And can you show us is it on this picture, or do you
23 know which particular shell casing was moved?

24 A. I am not sure which particular shell casing was moved.

25 Q. Okay. But you were shown at the time?

1 A. I was told that one of the shell casings were moved.

2 Q. Okay. And so where you photographed the shell casing
3 that night were where they had been moved to and maybe not
4 where they were originally?

5 A. Yes.

6 Q. When you examined Ms. Ford in this case you always in a
7 case such as this you are going to look to see if there are
8 any defensive wounds; is that correct?

9 A. Yes.

10 Q. And did you find any defensive wounds in this case?

11 A. No, I did not.

12 Q. Now when you arrived, there were a couple of other
13 vehicles on the property; is that correct?

14 A. Yes.

15 Q. And those were -- those didn't belong to
16 law-enforcement?

17 A. No, I was told there was three vehicles on the scene;
18 one was hers and the two others belonged to friends and
19 family.

20 Q. And those -- were those inside the crime scene area?

21 A. Yes, they were.

22 Q. Now along with trash bag -- the full trash bag you saw
23 on the bed in the bedroom did you also see an empty trash
24 bag that was there?

25 A. Yes.

1 Q. And were there any other items just laid out on the bed
2 anywhere?

3 A. There was a jacket on the bed I remember.

4 Q. Was it a male jacket?

5 A. Honestly I couldn't -- I couldn't remember if it was
6 male or female.

7 Q. And did you collect any items from inside the home?

8 A. Not from inside, no.

9 Q. Did you check the home to see if there were any other
10 firearms in the home?

11 A. No.

12 Q. I am showing you what's been marked Defendant's Exhibit
13 Number 1. Is this a photograph that you took?

14 A. Yes, it is.

15 Q. And what area of the home is this?

16 A. I believe it is going to be the closet in the master
17 bedroom.

18 Q. I am going to show you what has been marked Defendant's
19 Exhibit Number 10.

20 A. That is the master bedroom.

21 Q. That is the master bedroom?

22 A. Yes, sir.

23 Q. And can you see in this photo where those bags are?

24 A. You can see the corner of the packed plastic bag is
25 right there.

1 Q. Okay. And there appears to be a red bag. Is -- was
2 there anything in that or did you look at that?

3 A. It is -- there was a red bag on the bed here, but I
4 didn't see anything in it.

5 Q. This is -- I am going to show you Defendant's Exhibit
6 Number 9. I think that is just another kind of angle of the
7 same shot. And that shows the closet area as well; is that
8 correct?

9 A. Yes, the closet and in the bag on the bed.

10 Q. I'm going to show you what has been marked Defendant's
11 Exhibit Number 6. Do you remember taking that photo?

12 A. Investigator Watson actually took that photo.

13 Q. He did?

14 A. Yes.

15 Q. I am going to show you Defendant's Exhibit 2. Is that
16 also Investigator Watson that took that one?

17 A. Yes, it is.

18 Q. Okay. I just have a couple of other questions for you.

19 ~~MR. SMITH: If I could have State Number 36.~~

20 Q. You took this photograph inside the home?

21 A. Yes, I did.

22 Q. Inside the home did you take any measurements?

23 A. No, I did not.

24 Q. Okay. Just to orient the jury again can you tell us
25 where the bedroom was that we just saw; do you remember?

1 A. I'm actually standing in the doorway of the what was
2 the main entrance to the house.

3 Q. Okay.

4 A. And the master bedroom would actually be beyond me in
5 this picture.

6 Q. And what do we see -- or what did you see in the
7 distance; do you remember?

8 A. In this photograph? This is the kitchen looking into
9 living room and down the hallway.

10 Q. Okay. And did you eventually look down that hallway
11 and through those rooms as well?

12 A. Yes, I just took overall photographs in there.

13 MR. SMITH: Beg the court's indulgence just a moment,
14 Your Honor. I don't have any further questions of this
15 witness.

16 THE COURT: Any redirect?

17 MS. SHEALY: No, Your Honor. Thank you.

18 THE COURT: You may step down. Thank you very much.

19 THE WITNESS: Thank you.

20 MS. SHEALY: Mark Watson.

21 (WHEREUPON, the witness was duly sworn.)

22 THE CLERK: State your name in the microphone and spell
23 your last.

24 THE WITNESS: Mark Watson, W-A-T-S-O-N.

25 **DIRECT EXAMINATION BY MS. SHEALY OF MARK WATSON:**

26

1 Q. Mr. Watson, would you please tell the jury where you
2 are currently employed.

3 A. Charleston County Sheriff's Office.

4 Q. In what capacity?

5 A. I am a forensics investigator.

6 Q. How long have you been doing that?

7 A. Two-and-a-half years.

8 Q. And prior to that how long did you work for the County?

9 A. I have a total of about twelve-and-a-half years with
10 the County.

11 Q. Okay. Back in February 2013 were you working in the
12 same capacity?

13 A. Yes, ma'am, I was.

14 Q. And did you report to a variety of scenes regarding
15 this investigation?

16 A. Yes, I have.

17 Q. Which ones did you report to?

18 A. I went to the park was the first one I went to.

19 Q. ~~Okay. Showing you what has been marked as State's~~
20 Exhibit 45, can you show us the area of the park in that
21 overview?

22 A. Yes, ma'am.

23 Q. Can you circle it for us?

24 A. Do you want -- this is the whole area of the park
25 (circling).

1 Q. And the area then that contained the baseball field in
2 questions would be where?

3 A. Right here (pointing).

4 Q. And just to give the jury an understanding, where is
5 Bohicket Road in comparison to this area?

6 A. It would be to the left of this. No, I'm correct. I'm
7 sorry, right here (pointing).

8 Q. Okay.

9 A. I am a little confused. Here ---

10 Q. Okay. That's okay if you get confused. Will you just
11 hit clear for me now.

12 A. (Witness complied.)

13 Q. Where was the first area over there that you reported
14 to?

15 A. When I came in I came in off of Main Road. I believe
16 this is the route I came in on (pointing). And in this area
17 is where I met with -- actually let me scratch that. This
18 area is where I met with Captain Baird (pointing).

19 Q. Okay. And if you will clear that for me.

20 A. (Witness complied.)

21 Q. Was there an item of evidence that you saw early on
22 when you went over towards the park?

23 A. When I first got in the whole road was pretty much
24 littered with debris, for lack of a better word; just items
25 that had fallen out of a pickup truck. It looked like a dog

1 box, a tool box, camping type chair, dutch oven, gloves; all
2 sorts of items.

3 Q. All kinds of items?

4 A. Yes, ma'am.

5 Q. Showing you what has been marked as State's Exhibit 55,
6 are you familiar with what that depicts?

7 A. I do.

8 Q. Okay. So tell us where is the dog cage in that
9 photograph.

10 A. This is actually a dog box like a hunter would have in
11 the back of their pickup truck.

12 Q. And the item preceding that that runs horizontal, what
13 is that?

14 A. The yellow tape?

15 Q. No, underneath the yellow tape. Do you see either a
16 telephone pole or a railroad tie?

17 A. Oh, yes, ma'am. Right underneath ---

18 Q. Can you show us that in that picture.

19 ~~A. It is actually right here (pointing). It is in between~~
20 those two lines.

21 Q. And showing you a little bit closer up picture than
22 that, 56.

23 A. Yes, ma'am.

24 Q. Okay. And that was on the ground and then the dog cage
25 was behind that when you arrived on the area?

1 A. Correct.

2 Q. And leaving that area showing you -- well, before we
3 leave that area, State's Exhibit 58, what items are depicted
4 in that photograph?

5 A. We have a glove (pointing). This is a headlamp, a
6 piece of a license plate bracket (pointing). This is a
7 dutch oven (pointing). There is a lid for it (pointing).
8 And then the dog box (pointing).

9 Q. Showing you State's Exhibit 58, is this a different
10 angle looking at the dog cage?

11 A. No, that is actually a tool box.

12 Q. Oh, that is the tool box?

13 A. Yes, ma'am.

14 Q. And where was that located in relationship to where the
15 dog cage had been?

16 A. The dog case is down this road (pointing).

17 Q. And that is the toolbox?

18 A. That is the toolbox.

19 Q. Now as you saw items that evening did you ultimately
20 collect them and return them to the Toyota?

21 A. Yes, ma'am.

22 Q. Showing you State's Exhibit 59, can you see from this
23 photograph which direction we are heading in?

24 A. I can, and actually the tool box -- the dog box is in
25 that photograph also.

1 Q. Okay. So show us the dog box.

2 A. This is the dog box (pointing).

3 Q. And what is that over in the left-hand?

4 A. This is like a folding camp chair.

5 Q. Showing you State's 60. Can you tell us what area we
6 are approaching at this point?

7 A. This would be like when I told you I came -- when I
8 told you I came in, you know.

9 Q. Uh-huh.

10 A. This is actually the ball field (pointing). This here
11 is the fence that is knocked down (pointing).

12 Q. Right in there?

13 A. Yes, ma'am.

14 Q. And showing you 61. Is that a better ---

15 A. That is.

16 Q. And those tire marks leading up to where the fence is
17 bent over ---

18 A. Yes, ma'am.

19 Q. --- is that -- well, you are not sure whose tire tracks
20 those are; is that correct?

21 A. I was fairly certain that is from the Toyota.

22 Q. Okay. Showing you 62, is that reflecting the area over
23 the fence going towards the ball field?

24 A. That is the opposite side of the fence of the
25 ballfield.

1 Q. And 63?

2 A. And it appeared that this is where he spun out.

3 Q. Go ahead and use your finger and do it on ---

4 A. You have him entering here (pointing). If I can draw.
5 I can't draw two lines at one time. This is him coming --
6 the vehicle coming over the fence. And the reason I saw it
7 is spun out is because it is immediately going out this way
8 (pointing) and it is moving in a forward direction. And I
9 know that because all of the stuff here (pointing) came
10 flying out when they went forward again.

11 Q. Okay. So showing you -- let's see, that's 64. Showing
12 you 65.

13 A. Yes, ma'am.

14 Q. Now those tire tracks are going to what direction now?

15 A. They are actually going back this way (pointing). And
16 this is -- well, quite a bit further down that way is where
17 he crashed into the back of the fence.

18 Q. Showing you 66.

19 A. Yes, ma'am.

20 Q. Is that just further the path that he took?

21 A. That is further. That is more debris he is losing out
22 of the back of the truck as he is traveling.

23 Q. Meaning that tire?

24 A. The tire. And being a ball field as it is, not a lot
25 of people drive on it and it was very easy to follow the

- 1 tracks right to the truck.
- 2 Q. And 67, 67 that is just continuing on?
- 3 A. Yes, ma'am.
- 4 Q. And the clay color that the tracks are not going onto
- 5 is the actual what?
- 6 A. That is the actual dirt of the ball field, the baseball
- 7 field.
- 8 Q. Sixty-eight, continuing with the tracks?
- 9 A. Yes, ma'am.
- 10 Q. Sixty-nine?
- 11 A. Yes, ma'am. And you can see how it leads right to --
- 12 in this area you can see where it starts to reflect the
- 13 license plate and the two tail lights.
- 14 Q. Of the truck itself?
- 15 A. Of the truck itself. And you can see how the light --
- 16 the skid mark where the grass has been disturbed going right
- 17 up to
- 18 Q. Point to where you are talking about.
- 19 A. ~~The tire marks (pointing).~~
- 20 Q. Okay. Seventy.
- 21 A. That is where the pickup truck came to a final rest.
- 22 Q. Can you show up on that photograph if there is an area
- 23 of the fence that was obviously disturbed?
- 24 A. Yes, ma'am.
- 25 Q. Point that out to us.

1 A. There is a break here (pointing) in the top part. And
2 there is this little break here (pointing). And then this
3 pole, that is where both of these poles were laid over,
4 slightly pushed forward.

5 Q. And then 72.

6 A. That is the final resting place of the truck.

7 Q. And 73. Now you can see some disturbed brush in that
8 photograph. The black image that is on the ground right
9 there, what is that?

10 A. That is a trash bag full of men's clothing.

11 Q. And ultimately where does that go?

12 A. We actually take it back to the evidence compound after
13 looking through it and photographing. And it didn't seem to
14 be any evidentiary value and went back into the pickup
15 truck.

16 Q. State's 75. Is that -- what is that a picture of?

17 A. That is me actually trying to photograph through the
18 car window so I wouldn't have to open the door.

19 Q. Seventy-six.

20 A. Can you go back?

21 Q. Yeah, 75.

22 A. What I was trying to do but it didn't work real well
23 because of the reflections is to show if there was a key in
24 the ignition or not. And at this point I can't recall if
25 there was.

1 Q. Okay. Seventy-six. Is that how the front window
2 appeared?

3 A. It was.

4 Q. And the side damage to the passenger side ---

5 A. Yes, ma'am.

6 Q. --- could you point that out, please.

7 A. Oh, there is this damage (pointing); and of course
8 y'all can see.

9 Q. And in front of the vehicle could you describe are
10 those small trees?

11 A. Those are small trees, yes, ma'am.

12 Q. State's 77. Now given the condition of the truck and
13 the condition of those trees did it appear that the truck
14 could go no further?

15 A. That truck could not move any further, correct. And
16 there's also like a little creek. You can't really see it
17 really well; but right in this area.

18 Q. There's a little creek?

19 A. ~~There's, well, it's a drainage ditch of some sort. It~~
20 contains water in it.

21 Q. Okay. Showing you State's 78.

22 A. And of course you -- here is the water. You can see it
23 in this photograph. But here is what I was actually
24 photographing; that is actually a flip-flop.

25 Q. And you just found one flip-flop?

1 A. I did.

2 Q. Showing you State's 155, is this the flip-flop that you
3 found?

4 A. Yes, ma'am.

5 Q. Seventy-nine, is that just another image from the other
6 side of the front of the vehicle?

7 A. It is. And you can actually see the creek bed a little
8 better here. And then it continues on past the truck.

9 Q. Eighty. Now what does this area depict?

10 A. That is the backyard from -- when I stepped out, the
11 truck would be in this area (pointing). When I stepped out
12 I just kind of panned out showing what the area would have
13 looked like.

14 Q. Okay. So there was an area that had been cleared
15 but ---

16 A. There is a house I believe this way (pointing).

17 Q. And on the other side of that what type of area was
18 that; was it a settled neighborhood or were there many
19 houses under construction?

20 A. It was it looked like it was up-and-coming. They were
21 still doing new construction.

22 Q. Okay. And 81.

23 A. These are houses that I was referring to.

24 Q. Now looking at that photograph, if you remember, you
25 ultimately go into a house that was under construction; is

1 that correct?

2 A. Eventually, yes, ma'am

3 Q. And in looking at that photograph can you tell us which
4 way that house was?

5 A. It would be to the left.

6 Q. So could you just draw us an arrow?

7 A. It is probably two or three houses that way (pointing).

8 Q. And would it be on the same side of the street as that
9 open area or across the street from it?

10 A. It is on this side (pointing). This is actually

11 someone's backyard.

12 Q. Okay. So later in the evening you do go back over with
13 Kathy Kjellman and look in the house?

14 A. Yes, ma'am, I did.

15 Q. And looking at Photograph 87, an area was swabbed for
16 blood; is that correct?

17 A. Yes, ma'am.

18 Q. And do you see that pathway to the window and back on
19 the floor?

20 A. I do.

21 Q. Do you recall whether those two socks that are depicted
22 in that photograph whether or not they were damp?

23 A. I believe they were.

24 Q. You believe that were?

25 A. I believe so.

1 Q. Now showing you State's 89, does this show the truck
2 once you have put those items back in it?

3 A. It does. This is back at our evidence compound.

4 Q. And in that truck then there would have been a black
5 bag; is that correct?

6 A. I believe I actually transported that black bag in my
7 vehicle.

8 Q. In your vehicle?

9 A. I didn't want to disturb anything. I was over in the
10 truck at time.

11 Q. Did you take photographs of what type of items were in
12 that bag?

13 A. I did.

14 Q. And showing you what has been marked as Defendant's
15 Exhibit 2, 3, 4, 5, 6, and 7 could you give me whether or
16 not these are the photos that you took?

17 A. Yes, ma'am.

18 Q. Are all of those items contained within that one black
19 bag; do you remember?

20 A. They are.

21 Q. And so these photographs, showing you State's 6, men's
22 clothing still on the hanger?

23 A. Yes, ma'am.

24 Q. Defendant's 3, still on the hanger?

25 A. Yes, ma'am.

1 Q. Defendant's 2, still on the hangers?

2 A. Yes, ma'am, men's clothing on hangers.

3 Q. And these are the wire hangers that so many of us have
4 in our homes, right?

5 A. Yes, ma'am.

6 Q. Did these appear to come straight out of the closet?

7 A. They are on the hangers. That's all I can tell you.

8 Q. Okay. State's 4 -- I'm sorry, Defendant's 4.

9 A. Those are the clothes right before I started pulling
10 them out of the bag.

11 Q. And then five, Defendant's 5 and Defendant's 7.

12 A. Yes, ma'am.

13 Q. Were many of the items that you returned to the truck
14 that had been expelled from the truck did they appear to be
15 consistent with someone who hunts?

16 A. Yes, ma'am.

17 Q. And State's Exhibit 93. Did that -- did that arrive
18 back at the compound in some way other than the truck?

19 A. ~~That actually got put on the tow truck with the truck.~~

20 It was not loaded in the back of the truck.

21 Q. Oh, on the tow truck?

22 A. It was loaded onto the back of the tow truck.

23 Q. And Photograph 82, is that where the truck is actually
24 being put on the tow truck?

25 A. That is the truck being put on the tow truck. This

1 silver area down here (pointing) is actually the tow truck
2 itself.

3 MS. SHEALY: Beg the court's indulgence just a moment.
4 I have no further questions. Mr. Watson if you will answer
5 any the defense may have. Thank you.

6 THE COURT: Cross-examination.

7 MR. SMITH: I have no questions for this witness.

8 THE COURT: Mr. Watson, you may step down.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: All right. Madam forelady, ladies and
11 gentlemen of the jury, we are going to take an afternoon
12 break at this time.

13 I don't know if we have any smokers, but if we do let
14 the bailiffs know and they will take you to the appropriate
15 place to smoke. And please don't discuss the case amongst
16 yourselves. We will take a short break. If you will
17 follow the bailiff to the jury room, please.

18 (WHEREUPON, jury exited the courtroom 3:47 p.m.)

19 THE COURT: Anything from the State before we take a
20 break?

21 MS. SHEALY: No, Your Honor, other than to just discuss
22 with you what we have left potentially for today. We have
23 four more witnesses. Our last would be our physician from
24 MUSC.

25 If you were planning on stopping right at 5:00 I may
26

1 not want to have her wait. If we could finish all of those
2 today, that would be great too.

3 THE COURT: Well, I mean it would probably be four
4 o'clock before we get started. We have got an hour. Who
5 all are you going to be calling?

6 MS. SHEALY: I am going to be call -- we are going to
7 call the GSR expert from SLED, the ballistics expert from
8 SLED, an individual from the jail regarding the jail phone
9 call, and then Doctor Schandl.

10 THE COURT: Well, I don't know what kind of cross he is
11 going to have.

12 MS. SHEALY: I guess what I should ask is would you
13 entertain ---

14 THE COURT: Why don't we do the -- are the SLED people
15 here?

16 MS. SHEALY: The SLED people are here.

17 THE COURT: Why don't we do the SLED people this
18 afternoon and bring the doctor in the morning; ---

19 MS. SHEALY: Okay.

20 THE COURT: --- can we do that?

21 MS. SHEALY: Yes, sir.

22 THE COURT: Because I don't think you can get all four
23 of them done in an hour, hour-and-a-half. Maybe I'm wrong.
24 He may not have any cross, so it may happen. I don't know.

25 But for planning purposes -- the doctor is not here,

1 right?

2 MS. SHEALY: She is probably close to arriving. We can
3 get a call in to her.

4 THE COURT: Just call her and tell her to come in the
5 morning. Let's do the SLED people.

6 MS. SHEALY: And if we have time I would like to do
7 that one jail employee.

8 THE COURT: Pardon?

9 MS. SHEALY: If not, I can do the jail person tomorrow.
10 The jail call.

11 THE COURT: Okay. You have got them here?

12 MS. SHEALY: He should be out in the hall.

13 THE COURT: Okay. All right. We can ---

14 MS. SHEALY: He is here.

15 THE COURT: If we have got time we can do them as a
16 witness, okay?

17 MS. SHEALY: Okay. Thank you.

18 THE COURT: All right. We will take -- we will try to
19 reconvene about four o'clock, okay.

20 (WHEREUPON, a break was taken February 3, 2015, at 3:49
21 p.m.)

22 (WHEREUPON, resumed 4:06 p.m.)

23 MS. SHEALY: Your Honor, it is okay if I read that
24 stipulation in when we start back?

25 THE COURT: Do you want to read it or do you want me to

1 read it?

2 MS. SHEALY: I want to read it.

3 THE COURT: You want to read it?

4 MS. SHEALY: But you can read it if you want to. I
5 just usually do it.

6 THE COURT: Okey dokey.

7 MS. SHEALY: Thank you.

8 THE COURT: Give me a chance to say something to them
9 before you read it.

10 MS. SHEALY: Okay.

11 THE COURT: Are you going to do it right now?

12 MS. SHEALY: Yes, that would be great.

13 THE COURT: Your next witness, huh, ---

14 MS. SHEALY: This and then ---

15 THE COURT: --- is your stipulation?

16 (WHEREUPON, jury enters February 3, 2015, at 4:10 p.m.)

17 THE COURT: Yes, ma'am, if you will call your next
18 witness. I believe you have got a stipulation; is that
19 correct?

20 MS. SHEALY: That is correct, Your Honor.

21 THE COURT: All right. Madam forelady, ladies and
22 gentlemen of the jury, during a trial the State or the
23 defendant will be offering evidence in various ways. They
24 can bring it with sworn testimony from which you have heard
25 from witnesses from the witness stand. This doesn't happen

1 very often in criminal case, but in civil cases they can
2 bring in excerpts of depositions. A deposition has been
3 taken outside of court and under oath and they can offer the
4 deposition as evidence. Plus all the exhibits that have
5 been presented are evidence.

6 Now the third way that the parties can offer is through
7 a stipulation of facts. And in this case the parties have
8 stipulated as to certain facts so they don't have to bring
9 those people in to prove those particular facts. And I will
10 tell you to accept it as if it was testimony coming from the
11 witness stand under oath.

12 Do you want to read the stipulation? This is what the
13 parties have agreed to that are factual basis and evidence.
14 Please proceed.

15 MS. SHEALY: Thank you, Your Honor. The State and the
16 defense stipulate to the following: Jennifer Barman, a DNS
17 analyst at the South Carolina Law-Enforcement Division
18 conducted a DNA analysis in this case.

19 Exhibit 143 was the weapon used on the evening of
20 February 16th, 2013. SLED tested several swabs from the
21 shotgun which are Exhibits 169, 170, and 178; and no human
22 blood identified.

23 The DNA developed from the swab from the bedroom closet
24 in the house located on Field Planters which is Exhibit 156
25 and the cutting of the upholstery from the right side of the

1 driver's seat of the Toyota pickup, Exhibit 174, matched the
2 DNA profile of Timothy Wright's buccal swab, Exhibit 168.

3 The probability of randomly selecting an unrelated
4 individual having a DNA profile matching these items is
5 approximately one in ninety-five quadrillion. None of the
6 items tested match the DNA profile of Melinda Ford's blood
7 spot which is Exhibit 162.

8 THE COURT: Thank you very much.

9 MS. SHEALY: Thank you.

10 THE COURT: If you will call your next witness, please,
11 ma'am.

12 MR. CORVEY: The State calls Whitney Berry.

13 (WHEREUPON, the witness was duly sworn.)

14 THE CLERK: State your name into the microphone,
15 spelling your last name for the record.

16 THE WITNESS: My name is Whitney Berry, B-E-R-R-Y.

17 **DIRECT EXAMINATION BY MR. CORVEY OF WHITNEY BERRY:**

18 Q. Good afternoon, Ms. Berry. Where do you work?

19 A. ~~I work for the South Carolina Law Enforcement Division,~~
20 more commonly referred to as SLED.

21 Q. What do you do for SLED?

22 A. I am an analyst in the trace evidence department, and I
23 specialize in the analysis of gunshot residue.

24 Q. Okay. And what is your title, Ms. Berry?

25 A. Forensic scientist.

1 Q. And how long have you been working at SLED in that
2 role?

3 A. I have been at SLED for about two years now.

4 Q. And what are your job duties as part of that role?

5 A. I analyze -- I am the primary GSR analyst for the
6 State. So I am the primary analyst who does all of the
7 gunshot residue kits for the entire State of South Carolina.

8 Aside from that I tend to assist with some other cases
9 as they come up. But that is my primary function.

10 Q. Okay. And what degrees do you have that led to you
11 getting this job?

12 A. I have a bachelor of science degree in chemistry.

13 Q. Okay. And what kind of special training or
14 certifications do you have?

15 A. I completed SLED's in-house gunshot residue training
16 program which was a nine-month long training program that
17 consisted of written and practical exams on the theory of
18 gunshot residue, the instruments, our scanning electron
19 microscopes, as well as courtroom testimony, observation,
20 and a mock trial.

21 Q. And are you a member of any associations?

22 A. I am a member of the American Society of Trace Evidence
23 Examiners.

24 Q. Have you testified in court before?

25 A. Yes, I have.

1 Q. How many times?

2 A. This will be number five.

3 Q. And have you ever been qualified as an expert in court
4 before?

5 A. Yes, I have.

6 Q. What have you been qualified as an expert in?

7 A. Gunshot residue analysis.

8 MR. CORVEY: At this time the State wishes to tender
9 this witness ---

10 THE COURT: Mr. Smith, do you have any objections or do
11 you want to cross on her qualifications?

12 MR. SMITH: No, Your Honor.

13 THE COURT: All right. The court finds she is
14 qualified as a gunshot residue expert.

15 MR. CORVEY: Thank you, Your Honor.

16 BY MR. CORVEY:

17 Q. Now Ms. Berry, I want to talk to you briefly about what
18 gunshot residue is generally.

19 ~~A. Okay. Gunshot residue is what we refer to as~~
20 everything that comes out of the muzzle end of a gun when it
21 is fired. What I am specifically looking for is the primer
22 residue. These are three components that are found in the
23 gunshot primer and they are very unique to that primer.
24 There's three elements that I'm looking for: lead, barium,
25 and antimony. And I am looking for them to be in a molten

1 or a round shape.

2 So when I'm talking about shape I'm looking at
3 particles under essentially an electron microscope. These
4 particles are very very tiny. About 100 of them will fit
5 across the diameter of a human hair. So I am looking for
6 very small, very round or molten three component particles.

7 And the reason the shape is important is that when
8 something, a metal, comes into high heat and comes into
9 contact with high heat and it combusts it tends to get
10 molten and then as it lands on other surfaces and cools it
11 will retain the round or molten shape.

12 Q. Okay. And can you please explain to the jury generally
13 how gunshot residue is dispersed. And if it would help you
14 at all, the board that is right in front of you, you can
15 draw on and I think some lines will show up in red.

16 A. Okay. When a gun is fired we expect such gunshot
17 residue to come out in kind of a cone pattern. So let's
18 see. You have you gun here (pointing), and we would expect
19 the gunshot residue to encompass an area like that
20 (pointing).

21 So if a person over here (drawing), they would be
22 within the cone for potentially getting gunshot residue on
23 them. At the same time when the gun is discharged there is
24 also a plume of smoke, gun smoke that comes out from the
25 gun.

1 So if you think about an old Western film when they
2 used a revolver, every time they fire you see that little
3 puff of smoke. And that is how someone who is firing a
4 weapon you get gunshot residue on their hand.

5 Q. Okay. Now you said earlier that you are the primary
6 tester of all the gunshot residue kits in the state. What
7 is a gunshot residue kit?

8 A. A gunshot residue kit is a kit made by a manufacturer.
9 SLED actually provides them free of charge to any agency in
10 the state. It comes with four particle lifts inside of it.

11 A particle lift is a little aluminum stub. If you
12 think of like a large roofing nail, it is essentially a
13 little aluminum stub with carbon double-sided tape on it.

14 Now carbon tape is used to sample the hands of someone
15 who has potentially come into contact with gunshot residue.
16 So we sample the palms of both hands and the back of both
17 hands. The particle lifts are labeled with those area. And
18 the carbon tape on it not only picks up particles but also
19 ~~helps prevent lighter elements from being seen. Because~~
20 what we are looking for are heavy elements.

21 Q. Okay. And so can you please explain the process of
22 what you do when you first receive a GSR kit.

23 A. Yes, when I receive a GSR kit it actually comes in
24 through our evidence control department downstairs. And if
25 I have to pull it to run it for a rough circumstance I will

1 go down there and I will pick it up. It will then be put
2 electronically into my chain of custody and that electronic
3 chain of custody will follow it from the time it comes into
4 the door until the time it is given back to the agency.

5 So when I pick it up I have to verify that the
6 container is sealed and initialed. And once I open that I
7 verify that the kit is also sealed and initialed.

8 So there are directions inside the kit for the
9 collecting officer so that they know what they need to.
10 That is how they are essentially trained. Each kit comes
11 with a set of gloves for the person collecting to wear as
12 well as four particle lifts and a GSR information sheet that
13 they have to fill out.

14 Q. Okay. And so then after a GSR kit comes in can you
15 kind of explain the process about what you do to go about
16 testing for the materials you mentioned earlier?

17 A. Yes, I take the four particle lifts of the gunshot
18 residue kit. I labeled them with the unique lab identifying
19 number that they were assigned when they came in. They are
20 now sub -- there are then sub-items. So say the kit is
21 Item 5, each little lift is a sub-item, so I've got 5.1 to
22 5.4. Those are then loaded into the instrument and they are
23 put into a vacuum.

24 And I set up an automated run with our scanning
25 electron microscope with energy disbursive x-ray detector on

1 it or FEMEDX. ??? And that automated run is programmed to
2 go all around the whole area of the stub as much as it
3 possibly can. And as it goes through, electron beams that
4 are shooting down on the lifts will react with whatever is
5 on the stub. So it is a nondestructive way to see what is
6 on the stub.

7 Q. Okay. And then you sort of touched on this a little
8 earlier, but as the test is complete what are you looking
9 for after the results are in?

10 A. What I am looking for is first off if the software tags
11 anything as a unique particle. A unique particle would be a
12 particle containing lead barium antimony. These particles
13 only come from gunshot residue. That is the only place you
14 find one that is completely molten with those three elements
15 in it.

16 If I don't find any of those I will begin looking for
17 what we call consistent and associated particles. But every
18 particle that we -- the instrument detects, we go back and
19 ~~we relocate to manually and verify that it is the right~~
20 shape and it is the right elements so.

21 Q. Okay. And then does the amount or quantity of a
22 certain type of element or particle that the machine
23 detects, do those have any sort of significance?

24 A. When we are looking for particle GSR as long as all
25 three components are present it is considered GSR.

1 Q. Okay.

2 A. I'm not really sure if that is what you're asking.

3 Q. Well, I guess I was more thinking of the amount on that
4 is present, does that have any significance?

5 A. Oh, the amount on a lift, a particle lift, can vary.
6 drastically depending on how soon after the incident the kit
7 was taken or what sort of activities the person may have
8 engaged in between an incident time and when it was
9 collected. So in some cases it is not uncommon to find a
10 lot of GSR on someone's hands, and other cases it is not
11 uncommon to see somebody you know who has fired a gun not
12 have GSR on their hands depending on the circumstance.

13 Q. Okay. And then actually before we talk about this case
14 specifically I just have a few more questions. You
15 mentioned that there was four separate lifts that are taken.
16 Can you describe where those lifts come from?

17 A. The lifts ---

18 Q. Four separate swabs of GSR that are done.

19 A. As I mentioned before, they are from the left palm, the
20 left back, the right palm, and the right back of the hand.
21 So that includes pretty much everything including the
22 webbing of the thumb.

23 Q. And then did you evaluate the GSR kits that were taken
24 in this case?

25 A. I did.

1 Q. Would you recognize those if I showed them to you?

2 A. Yes, I would.

3 MR. CORVEY: Your Honor, I am retrieving State's
4 Exhibit 152 and 153 which I believe were admitted earlier
5 without objection.

6 THE COURT: Yes, sir, that is correct.

7 Q. I am handing you State's Exhibit 152 and 153. Can you
8 identify those one at a time, please.

9 A. Okay. This is a GSR kit that was submitted to SLED
10 under Lab Number L13-03050. It was listed as SLED Item

11 Number 5. The outside is labeled Melinda Ford. And I know
12 this is my evidence because it has the unique identifier on
13 the back as well as my initials both here (pointing) and up
14 here (pointing). The tamper evidence tape tells me that
15 nobody has done anything to my evidence since I last sealed
16 it.

17 This item is a kit from Kadasha J. And again,
18 it is from Lab Number L13-03050, SLED Item Number 6.

19 ~~Q. And then let's talk about State's Exhibit 152 first.~~

20 That is the one related to Melinda Ford. What were your
21 results from that GSR kit?

22 A. Give me just a moment. On the right palm of the GSR
23 kit from Melinda Ford I found one round consistent particle
24 or one round particle consistent with gunshot residue. That
25 is how it is worded. This particle can be found in gunshot

1 residue, but it can originate from other sources.

2 So when we think about GSR we think kind of like a
3 pyramid. So at the top of the pyramid you have your three
4 component particles, and that -- that is golden. That is
5 definitely GSR.

6 Right below that we have a two-component particle. So
7 instead of lead barium antimony maybe this particle just has
8 lead and antimony. It is not exclusive to GSR, but it is
9 not entirely common either.

10 We've heard associated particle. That would be the
11 bottom tier. That is a single component particle. So that
12 would be just round lead or round -- round barium or round
13 antimony. Those are very common in the general populace.

14 Q. And then what did the presence of one particle indicate
15 to you?

16 A. It really didn't indicate much. It wasn't out of the
17 ordinary because the GSR info sheet for this particular kit
18 stated that the victim was deceased from a gunshot wound.
19 We expect to find gunshot residue on the victims of gunshot
20 wounds. Because as I drew that picture before, they are on
21 the other end of the cone. So we expect to see that.

22 Q. Would you be able to say whether or not the results for
23 Ms. Ford were consistent with not having fired a weapon?

24 A. I cannot say if they're more consistent with being shot
25 at or having fired a weapon, just because we expect to find

1 gunshot residue on a victim.

2 Q. Okay. Now would it be fair to say that you would
3 expect a larger population of GSR on someone who had fired a
4 gun?

5 A. It would depend on the gun, the caliber, the condition.
6 There are a lot of different factors. I believe in this
7 case it was a shotgun, so I would expect to find a larger
8 population of gunshot residue particles on someone who
9 pulled the trigger on a shotgun than I would somebody who
10 pulled the trigger on a 22. So the larger ammunition make
11 me more likely to see more particles.

12 Q. Okay. And then you actually mentioned that SLED is
13 moving away from testing victims. Could you explain that?

14 A. Yes, we currently have a three-year backlog on gunshot
15 residue cases. And a lot of these backlog cases included
16 victim kits from victims that were deceased from a gunshot
17 wound or their death investigations are possible suicides.

18 In these cases we are trying to move away from doing
19 ~~the victim kit so that we can focus our time more on suspect~~
20 kits or elimination kits or witness kits to help get more
21 closure in those areas.

22 We are certainly not going to say absolutely not.
23 Every case is still evaluated on a case-by-case basis. But
24 we are trying to move away from victim kits because there's
25 not much we can tell. The most common question we are asked

1 is well did they have a gun, was this self defense; and we
2 can't answer that.

3 We have no way of knowing if that gunshot residue is on
4 that victim because they pulled the trigger or because they
5 were on the other end of the gun.

6 Q. And then let's talk about the rest of your results with
7 Ms. Ford and her other -- the swipes of her other areas of
8 her hands.

9 A. Okay. On the right back of her hand, particles of
10 gunshot residue were found as well as round particles
11 consistent with gunshot residue. The left palm, one round
12 particle of gunshot residue was found. And round particles
13 consistent with gunshot residue were found. And on the left
14 back no gunshot residue was found. So that means no GSR, no
15 consistent particles, no associated particles. It was
16 completely negative for those.

17 Q. And would those results also be consistent with being a
18 victim of a gunshot would?

19 A. They can be, yes.

20 Q. Okay. And then in regard to item State's Exhibit 153,
21 the GSR kit for witness Kadasha J. what were the
22 results of that test?

23 A. On the right palm one particle of gunshot residue was
24 found. But on the other three areas: the right back, the
25 left palm, and the left back of the hand, these areas were

1 negative for GSR.

2 Q. And when we had spoke you indicated that these are more
3 consistent of transfer. Could you explain that?

4 A. Yes. When we look at gunshot residue we tend to look
5 at whole population. A good way to think about it is
6 imagine you are in the kitchen and you have flour on your
7 hands. Every time you clap your hands a little bit of flour
8 poofs off. Every time you touch something, you touch the
9 counter, touch your pants, wipe your hands, more flour comes
10 out and more flour comes off.

11 So eventually you're not going to have as much flour as
12 you started with. And say someone comes behind you and puts
13 their hand right where you just put your hand. Well, they
14 can pick up flour, right. So that is the same idea with
15 transfer and GSR. So if something is covered with GSR or --
16 and somebody else comes into contact with that area they
17 have the potential to receive the transfer.

18 Q. Would somebody be able to get transfer of GSR from
19 ~~picking up a weapon that was recently fired?~~

20 A. Yes.

21 Q. Could someone get transfer of GSR from compressing an
22 exit wound?

23 A. They could, yes.

24 Q. And sort of kind of going back to the questions we
25 talked about in State's Exhibit 152, the results with Ms.

1 Jenkins aren't generally consistent with having fired a gun
2 with, you know, all consideration given to the caveats you
3 listed before?

4 A. They are not. And another piece of information that we
5 get on our gunshot residue collection kit, there is a
6 question that says has the -- has the suspect or subject
7 washed their hands.

8 Well, when we look at this we are assuming that that --
9 is that answer is correct. So on this particular case I
10 believe the answer was no she did not wash her hands. So if
11 she had not washed her hands and she only had that one
12 particle on her hand, that would indicate that it was more
13 consistent with transfer.

14 Q. And then just kind of then back to generally just some
15 questions about the timeframe. What is the timeframe in
16 which a GSR kit must be done in order for it to have any
17 sort of reliability?

18 A. The scientific working group for gunshot residue
19 analysis has determined that gunshot residue is only going
20 to be found on a living person up to four to six hours after
21 an incident. So that clock starts as soon as the trigger is
22 pulled.

23 It is generally accepted four to six hours. Our lab
24 will not analyze anything that have been collected outside
25 of six hours because we don't expect to find anything. And

1 if we do find anything we have no way of tying it to an
2 incident at that point.

3 You could potentially have gunshot residue on your
4 shirt from that incident and recontaminate yourself. And we
5 have no way to tie it back to any of that.

6 Q. And then sort of along the same lines I guess just as
7 to a series of questions regarding whether something could
8 wipe gunshot residue off, would blood wash gunshot residue
9 off?

10 A. Blood, wind, water. A lot of different factors. Blood
11 specifically can alter the shape or mobility of gunshot
12 residue. So that is always a potential issue.

13 I believe it's said that this happened outdoors. So
14 with it happening outdoors you have those weather effects of
15 wind that could potentially move it.

16 Q. What about just day-to-day activities like driving a
17 car?

18 A. Driving a car would have a potential to remove it. We
19 ~~actually in SLED just did an example for somebody's mock~~
20 court where a person went and fired a gun at our firing
21 range and then went and drove their car around the parking
22 lot and sampled -- we sampled their car and lo and behold it
23 was loaded with GSR from that one incident.

24 MR. CORVEY: Beg the court's indulgence.

25 Q. Now I guess out of an abundance of caution and clarity

1 I just kind of want to ask a few follow-up questions.

2 Is there anything abnormal about the results for Ms.
3 Ford being the victim of a gunshot?

4 A. No, there is nothing abnormal about that.

5 Q. Okay. And then with regard to Ms. Jenkins, State's
6 Exhibit 153, is there anything abnormal regarding those
7 results given her contact with her mother and the weapon in
8 this case?

9 A. No, there is nothing abnormal about that either.

10 Q. No further questions at this time. Please answer any
11 questions the defense may have.

12 THE COURT: Cross-examination.

13 MR. SMITH: Yes, sir.

14 **CROSS-EXAMINATION BY MR. SMITH OF WHITNEY BERRY:**

15 Q. Do you have your report in front of you?

16 A. I do.

17 Q. Okay. If we look at Item 5.2 ---

18 A. Yes.

19 Q. What do you mean when you say that these items could
20 originate from another source; what other sources would also
21 give you the same findings?

22 A. For consistent particles the most common source that I
23 could think of for that would be pyrotechnics or fireworks.
24 So there is the possibility that you could find rounds, two
25 component particles and fireworks.

1 However, what differentiates them is they have some
2 different elements in them. That is how you get the colors
3 of the fireworks. Most often any fireworks that we have
4 seen that has two or three components has a contamination of
5 magnesium in it. For that reason our lab does not count
6 particles with a concentration of magnesium in them as GSR.

7 Q. When we are talking about the concept of transfer of
8 GSR is that something that is fairly easily done?

9 A. With my example of the flour it is very easily done.
10 It's very delicate. It is very easy to remove. In your

11 example of -- I think you were talking about a recent test
12 that you did at SLED on the inside of a car.

13 A. Yes.

14 Q. If an individual got into that car that had no GSR on
15 it and touched the steering wheel would it -- would you
16 likely find GSR on them at some point?

17 A. They would have the potential to have gunshot residue
18 on them. With an inanimate object gunshot residue can last
19 ~~indefinitely until it is removed. So with clothing that~~
20 could be until it was laundered. With a car that could be
21 until it is detailed. And while the gunshot residue is
22 there of course someone would have the potential to pick it
23 up. But we have no way of saying how the gunshot residue
24 got on that inanimate object.

25 Q. When you are talking about the cone and the end of the

1 barrel of the gun, is that affected by the type of gun that
2 is used?

3 A. The distance can be affected by the type of gun. It
4 could also be affected by a different factor which is the
5 wind blowing the wrong way or how clean the gun is, if the
6 gun is in proper working condition, and other factors like
7 that.

8 Q. Length of the barrel of the gun, would that ---

9 A. That could also affect it, yes.

10 MR. SMITH: I believe that's all the questions I have,
11 Your Honor.

12 THE COURT: Okay. Any redirect?

13 MR. CORVEY: Very briefly, Your Honor.

14 **REDIRECT EXAMINATION BY MR. CORVEY OF WHITNEY BERRY:**

15 Q. Ms. Berry, I wanted to talk to you about the results in
16 State's Exhibit 152.

17 A. Yes.

18 Q. The results for Ms. Ford. Could you explain with
19 regard to her left hand how there may have been GSR on one
20 side of the hand and not on the other?

21 A. It could depend on the placement of the hand when she
22 was shot. It could also depend on hypothetically if, you
23 know, for some reason she tried to compress the wound. That
24 could have potentially removed it.

25 If first responders were there and they had to clean

1 her hands for any reason, that could have removed it
2 potentially from the left back. But more than likely based
3 on the other results the back of her left hand probably just
4 wasn't in the cone. So she could have been standing
5 sideways. She could have been on an angle.

6 Q. Okay.

7 A. Different possibilities like that.

8 Q. Okay. So if you were running away and like one part of
9 your hand was facing backwards that could do it?

10 A. That could do it, yes.

11 Q. Now you may have kind of mentioned this earlier, but
12 just for point of clarify, how large is one particle of GSR?

13 A. GSR what I am looking for are particles between one and
14 ten microns. So that -- a micron -- about 100 microns will
15 fit across the diameter of a human hair. Since we just had
16 the Super Bowl I can use the example of it is like looking
17 for a pea in the middle of two football fields. So it is
18 that small.

19 ~~MR. CORVEY: No further questions, Your Honor.~~

20 THE COURT: Any recross?

21 MR. SMITH: No, Your Honor.

22 THE COURT: All right. You may step down. Thank you
23 very much. Thank you, Ms. Berry.

24 Do you want to call your next witness?

25 MS. SHEALY: James Green. And may Ms. Berry be

1 excused?

2 THE COURT: Yes, ma'am.

3 (WHEREUPON, witness was duly sworn.)

4 THE CLERK: State your name into the microphone, and
5 spell your last name for the record.

6 THE WITNESS: James Green, G-R-E-E-N.

7 **DIRECT EXAMINATION BY MS. SHEALY OF JAMES GREEN:**

8 Q. Mr. Green, if you would please tell the jury where you
9 are employed.

10 A. I am employed by the South Carolina Law-Enforcement
11 Division commonly referred to SLED and the Firearms
12 Department Forensic Services Laboratory.

13 Q. And how long have you been employed by SLED?

14 A. Since June 2005.

15 Q. And would you tell us a little bit about your
16 educational background.

17 A. I have a bachelors of arts and a master's of science
18 degree from Charleston Southern University. And when I was
19 hired at SLED I also began the firearms and toolmarks course
20 of instruction. It's an approximately three- to three-and-
21 a-half year program studying under court qualified examiners
22 learning to do what I do now.

23 Q. What is meant by did you say toolmarks?

24 A. Yes, ma'am.

25 Q. What is meant by that term?

1 A. Firearms and toolmarks are the same science. A
2 toolmark is when a harder object leaves markings on a softer
3 object. And firearms is when a firearm leaves markings on
4 the cartridge case or the projectile.

5 Q. And have you testified previously as an expert in the
6 field of firearms identification?

7 A. Yes, ma'am.

8 Q. How many times have you testified?

9 A. Thirty-five.

10 Q. And while you have explained that you were trained by

11 SLED do you have to get refresher courses and take
12 continuing courses?

13 A. Yes, ma'am, we have proficiency tests in each area that
14 we are qualified in, once a year. And we also go to
15 conferences and training courses as budgetary allows or as
16 budget allows.

17 MS. SHEALY: Your Honor, at this time we would offer
18 Mr. Green as an expert in the field of firearms
19 identification.

20 THE COURT: Mr. Smith, any objection or do you want ---

21 MR. SMITH: No objection.

22 THE COURT: --- any cross on ...?

23 MR. SMITH: No, Your Honor.

24 THE COURT: Okay. All right. The court so finds.

25 MS. SHEALY: Thank you, Your Honor.

1 BY MS. SHEALY:

2 Q. Mr. Green, as it relates to this case could you tell
3 the jury what you have been provided with.

4 A. Yes, ma'am. In this case there were three fired shot
5 shells submitted and a Remington shotgun.

6 Q. And showing what has been previously marked as State's
7 Exhibit 142, 144 and 154 could you tell me whether these are
8 the spent cartridge cases that you examined?

9 A. Ladies and gentlemen of the jury, you see me looking at
10 each item. When evidence comes into SLED, particularly the
11 firearms department, we scribe on it, mark on it, with an
12 electric pencil the lab number, item number, and initials;
13 so if the case goes to trial we will be able to look at it
14 and say that is what we saw and that is what we observed.
15 And that is what I am doing now.

16 Yes, ma'am, State's Exhibit 142 was submitted as SLED
17 Item 1. State's Exhibit 144 was submitted as SLED Item 3.
18 And State's Exhibit 154 was submitted as -- excuse me, as
19 SLED Item 11.

20 Q. And the last one that you indicated, that one was noted
21 and it was found in what way?

22 A. On the evidence submission forms which is what the
23 submitting agency fills in prior to submitting the evidence
24 to SLED it indicates it was removed from the shotgun.

25 Q. In addition to the shot shells what else were you

1 provided with?

2 A. With one Remington shotgun.

3 Q. And showing you what has been previously marked as
4 State's Exhibit 143, is this the shotgun that you had been
5 provided with? Do you need to see the box?

6 A. I actually need to see the gun, ---

7 Q. Okay.

8 A. --- the markings. Yes, ma'am, this is the shotgun that
9 was submitted as -- State's Exhibit 143 was SLED Item 2.

10 Q. And when you were saying that you were having to look

11 for the markings what type of markings are you talking
12 about?

13 A. I scribe the lab number, the item -- the SLED item
14 number and my initials on the item -- on the shotgun. It
15 was marked on the bolt, on the barrel, and inside the
16 loading port.

17 Q. Now in making the analysis that you were called upon to
18 do could you describe in general what that entailed.

19 ~~A. Yes, ma'am. When someone submits evidence to us for~~
20 firearms identification what they are doing is they are
21 trying to find a common source.

22 In this instance they were trying to determine if
23 State's Exhibit 142, 144, and 154, the fired shot shells,
24 were all fired by the same firearm and if so were they all
25 fired by State's Exhibit 143.

1 So what we do is when we get the evidence we physically
2 examine it. We look at it, and then we will start doing our
3 departmental worksheet. And then we will actually do the
4 microscopic work. And we have a comparison microscope which
5 is basically two microscopes connected by a single optical
6 bridge that lets us look at two objects simultaneously.

7 What we are looking for are tiny scratches or
8 striations left on the metal surfaces of these shot shells
9 by the firearm which fired them. So I look at all three of
10 them, State's Exhibit 142, 144, and 154 with each other and
11 determined they were all fired by the same firearm.

12 And then I examined the shotgun, State's Exhibit 143,
13 test fired it, got shot shells that I know are fired by that
14 gun because I fired them myself, looked at them to make sure
15 they were marking consistently, and then compared those
16 against the three fired shot shells submitted in the case.

17 Q. Okay. So let me -- let me slow you down just a little
18 bit with some of that information. When you are comparing
19 the spent shotgun shells with this weapon are the -- did you
20 call them striations?

21 A. Yes, ma'am.

22 Q. Those are like markings on the shell casing?

23 A. Yes, ma'am, they will be left on the breech face or the
24 primer and in the firing pin impressions.

25 Q. And would that be unique to the weapon that actually

1 fired the pellets?

2 A. Yes, ma'am.

3 Q. Tell us first if you would what type of weapon is that?

4 A. States Exhibit 143 is a pump action shotgun.

5 MS. SHEALY: Your Honor, may I ask that he step down to
6 show the workings of the gun?

7 THE COURT: Yes, ma'am.

8 MS. SHEALY: If you could step down for us, that would
9 be great.

10 (WHEREUPON, witness steps down.)

11 A. And I have examined this. It is unloaded and safe to
12 handle. But I will try not to point it at anybody. This is
13 a pump action shotgun.

14 And I don't know how familiar y'all -- anyone -- y'all
15 are with a shotgun, so if I go real basic and you know more
16 than what the average person does, I apologize.

17 I can't really -- well, because of the zip tie. But
18 right here is a loading port. You take shot shells and load
19 ~~it into a tubular magazine which is right here (pointing).~~

20 Whenever you want to load the shotgun the action release
21 which is right here (displaying), and you pump it. The
22 slide comes down. It takes a shot shell out of the
23 magazine. And when it goes forward it loads it in there.

24 You pull the trigger and the pellets or whatever was
25 loaded in the shot shell will go down the barrel towards the

1 target. The shot shell will actually stay in place in the
2 chamber until you pump the shotgun again which will extract
3 and eject the fired shot shell.

4 You can leave it back like that (displaying), and you
5 are done. If you load it back and if there's another one in
6 the magazine, the process repeats itself. It will load
7 another one in there. If you pull the trigger the pellets,
8 slug, or whatever, will go down towards the target. The
9 same say until you pump it again.

10 Q. Tell us if you would what type of ammunition is used on
11 that type of weapon?

12 A. A shot shell can be loaded with different sized pellets
13 or slugs which is sometimes solid copper, sometimes solid
14 lead. It is one projectile verses buckshot or birdshot
15 which are multiple projectiles, spears, balls, loaded into
16 the shot shell.

17 Q. And when you have the pellets what else is inside that
18 goes out with the pellets when the weapon is fired?

19 A. If it is made out of lead or the pellets are made out
20 of lead or copper-plated lead, you know, lead is relatively
21 soft; so they will put like a grain load of white or
22 sometimes green buffing material in it that helps keep the
23 shot shells from pressing against each other or mashing
24 while they are sitting in the shot shell. There is also
25 wadding material either plastic or cardboard which is used

1 as a spacing material to separate the pellets from the gun
2 powder.

3 Q. Anything else that you need to explain to the jury
4 regarding the workings of that gun?

5 A. Other than the safety which is a cross bolt safety on
6 the back. You push it to the left to fire if your shooter
7 is left. You push it to the right to put it on safety.

8 Q. And this is the area that you indicated was the
9 magazine?

10 A. Yes, ma'am, the magazine. This is actually in the
11 magazine too (displaying), and it comes all the way down to
12 here (pointing). And it is covered up by the slide or pump.

13 Q. And that allows for more than one shotgun shell ---

14 A. Yes, ma'am.

15 Q. --- to be loaded into that weapon?

16 A. Yes, ma'am. It will all load into here (pointing).
17 Only one can be loaded into the chamber at the time. But
18 you can load multiple ones in the magazine.

19 ~~Q. And you mentioned to us that you actually fired some~~
20 shotgun shells from that weapon as well; is that correct?

21 A. Yes, ma'am.

22 Q. And in doing that it served what purpose?

23 A. It let us know that they were fired by the gun.
24 Because we fired them ourselves and it gives us some known
25 examples of what was fired with that -- with this gun. So

1 we can use those for microscopic comparison purposes.

2 Q. When you are doing your analysis do you also look at
3 the barrel of the gun?

4 A. To an extent, yes, ma'am. We will look to see if it
5 has blood on it, or when we get it in make sure there is not
6 a plug of mud or dirt or something in there that could lead
7 to a failure to fire or an unsafe situation.

8 Q. Okay. And in examining this weapon did you in fact
9 find that it was in working order?

10 A. Yes, ma'am.

11 Q. Okay. You can go ahead and have a seat back up there.

12 (WHEREUPON, witness returns to witness stand.)

13 Q. So your analysis in part is comparing what you have
14 fired out of that weapon with what you were provided as
15 spent shell casings; is that correct?

16 A. Yes, sir.

17 Q. Now if you would please describe to the jury what you
18 can tell about the shell casings that were spent in this
19 case?

20 A. States Exhibit 142, 144, and 154 were all Winchester
21 brand Super X shot shells. And they were each marked as
22 having been loaded from the factory with 15 pellets of
23 double ought buckshot.

24 Q. And when you made your comparison you used similar
25 ammunition or the same ammunition?

1 A. We use as close as possible, yes, ma'am.

2 Q. Okay. So that is double ought buckshot?

3 A. Yes, ma'am.

4 Q. And if you would please tell us your findings as to
5 whether or not the gun in question, the shotgun in question,
6 was -- fired the spent shell casings.

7 A. Yes, ma'am. Through my examinations I concluded that
8 State's Exhibit 143 which is the shotgun was the source or
9 fired all three shot shells in State's Exhibit 142, 144 and
10 154.

11 Q. I am going to show you a photograph. And you have not
12 seen the photograph yet, but I just want to show you State's
13 15. It is going to appear on that monitor.

14 One of your spent shell casings reflects that it was
15 removed from the shotgun; is that correct ---

16 A. Yes, ma'am.

17 Q. --- of the three that you have? Can you explain why
18 one would remain in the shotgun instead of being expelled
19 out of it?

20 A. Yes, ma'am, as when I was explaining earlier if you
21 don't work the action of the shotgun after you shoot it, the
22 fired shot shell will stay in the chamber until someone
23 removes it.

24 It is not like an auto loading shotgun where you pull
25 the trigger and the gunshot does the work for you. A pump

1 action shotgun once you pull the trigger the shot shell will
2 stay in the chamber until you manually work the slide which
3 will extract and eject the shot shell.

4 Q. And I think you can do this from where you are seated
5 if you don't mind just standing up. After one is fired what
6 is the action that is taken on the gun for the next one to
7 become available to be shot?

8 A. Well, see, the zip tie is in the way. But if the zip
9 tie were not there you could slide the slide all the way
10 forward.

11 If you pull the trigger a gun would fire if it was
12 loaded and then nothing else would happen until you rack the
13 shot shell -- excuse me, rack the slide down. And that
14 would move the bolt, extracting and ejecting the fired shot
15 shell, go out. And when you moved it forward it would load
16 another one if there was one in the magazine.

17 Q. So you would have to pull it back and then push it
18 forward and then pull the trigger?

19 A. Yes, ma'am, you would have to manually pump the shotgun
20 back and forth to unload and load.

21 Q. And which of those steps would not have occurred if one
22 remained in the shotgun?

23 A. The rearward pulling of that slide or the pump.

24 Q. Okay. Very good. You can have a seat.

25 MS. SHEALY: Beg the court's indulgence for just a

1 moment.

2 I have no further question. Please answer any the
3 defense may have.

4 THE COURT: Cross-examination.

5 MR. SMITH: Beg the court's indulgence.

6 THE COURT: Yes, sir.

7 MS. SHEALY: We have no questions for the witness, Your
8 Honor.

9 THE COURT: Okay. All right. Mr. Green, you may step
10 down. You may be excused.

11 Please call your next witness.

12 MS. SHEALY: Can we approach, Your Honor, please.

13 (WHEREUPON, bench conference was had.)

14 THE COURT: All right, madam forelady, ladies and
15 gentlemen of the jury, having conferred with the attorneys
16 we are going to take a break at this time for the evening.
17 It is five o'clock, so I will turn you loose to get into
18 rush-hour traffic headed home.

19 ~~Please don't discuss the case amongst yourselves. And~~
20 if you will be back in the jury room at 9:30. And leave a
21 little early to avoid the traffic jams, okay; because there
22 is always a traffic jam on I-26, all right. Give yourselves
23 an extra 30 minutes.

24 JUROR: I did.

25 THE COURT: Everybody be here at 9:30 in the morning.

1 We will get started at that time. Don't read anything in
2 the paper or watch anything on television about this case,
3 okay. Because generally reports have some inaccuracies in
4 them and I want you to base your decision on what you hear
5 here. And your opinion is not what some news reporter says,
6 okay. Have a good evening.

7 (WHEREUPON, jury out 5:04 p.m.)

8 THE COURT: All right. Solicitor, do you want to put
9 on the record what transpired at the bench conference?

10 MS. SHEALY: Yes, Your Honor. My next witness was
11 going to be a gentleman from the jail who is in charge of
12 the jail recordings of the phone calls of the inmates. And
13 I intended to call him as a witness to illicit a part of a
14 tape where -- let me see what I did with that.

15 THE COURT: If you will give me that statement I will
16 mark it as Court's Exhibit Number 2 so the record will know
17 what we are talking about.

18 MS. SHEALY: This is the same one. Do you want to have
19 it as a Court's exhibit?

20 THE COURT: Just get it marked as Court's Exhibit
21 Number 2, I believe.

22 THE COURT REPORTER: Can we do it as Number 3? Number
23 one was withdrawn and number two and then this would be
24 number three.

25 THE COURT: Number three would be fine.

1 (WHEREUPON, Court's Exhibit Number 3, statement, was marked
2 for identification.)

3 THE COURT: All right. And you want to offer it for
4 what purpose?

5 MS. SHEALY: I want to offer it for the purpose that it
6 goes to his guilt in that in the midst of the conversation
7 he indicates to the woman that he spoke -- speaking to: As
8 soon as I find a way to try to get myself out of this
9 situation right here man, I hope I get out.

10 And he also indicates that: I promise you on my grave
11 if I get out of this situation right here you ain't messing
12 with nobody, I been going to marry you.

13 And then again he indicates: If I get out with this
14 situation I will be all right. I pray I get out this
15 situation right here.

16 It is the State's position that all of that goes to
17 consciousness of guilt and that it would be appropriate --
18 it is my understanding that the court has ruled that this
19 ~~would be appropriate ---~~

20 THE COURT: Well, I haven't ruled yet.

21 MS. SHEALY: Oh, okay; I'm sorry.

22 THE COURT: I am getting ready to. But you know what
23 I'm going to rule, okay.

24 MS. SHEALY: Okay. I'm sorry. I thought you had
25 already ruled.

1 THE COURT: I just wanted to get the record clear on
2 what transpired at the bench.

3 MS. SHEALY: Yes, sir.

4 THE COURT: All right. Any other reason you think it
5 is relevant? I think the objection is relevant; is that
6 correct, Mr. Smith?

7 MR. SMITH: That is correct, Your Honor.

8 MS. SHEALY: I believe it is relevant because it shows
9 his guilt. It shows that he is -- he is trying to figure
10 out a way to get out of it which is suggestive of concocting
11 a story in an effort to get out of it. And the fact that he
12 intends 14 days later after killing a woman to express
13 intentions to marry another it absolutely goes to malice and
14 his intent on the date in question.

15 THE COURT: Okay, Mr. Smith, what is your objection?

16 MR. SMITH: Thank you, Judge. We reject based on
17 relevancy. We don't think -- and the way the statement
18 reads we don't think that there is any admission to murder
19 in this case. We also don't think that it goes to -- we
20 think basically talking about whether he is going to marry
21 someone else 14 days later or not is basically just
22 character evidence that you are trying to introduce.

23 We don't -- we don't think that it can be classified as
24 an admission. Obviously the solicitor disagrees with that.
25 But for that reason we don't think it should come in.

1 THE COURT: All right. I have marked it as Court's
2 Exhibit Number 3. I do not think Court's Exhibit Number 3
3 is relevant as to the State's requirement for proving murder
4 on the case in chief. However, I believe it can be possibly
5 used on cross-examination and reintroduced at a later date
6 if it becomes relevant as to his truthfulness and veracity.

7 I just don't think it has any relevancy as to proving
8 killing someone with malice aforethought. I don't think it
9 addresses the issue of malice on any issue that you have to
10 prove in your case in chief. Thank you so very much.

11 ~~Anything else before we adjourn?~~

12 MS. SHEALY: No sir.

13 MR. SMITH: No, Your Honor.

14 THE COURT: All right. 9:30 in the morning.

15 (WHEREUPON, recessed February 3, 2015, at 5:10 p.m.)

16 (WHEREUPON, Wednesday, February 4, 2015, resume with third
17 day of trial.)

18 THE COURT: Anything from the State before we bring the
19 jury?

20 MS. SHEALY: Yes, Your Honor. There are two additional
21 photographs that the defense and the State have agreed upon.

22 (WHEREUPON, Ms. Shealy confers with assistant.)

23 MS. SHEALY: One eight-one and one eighty-two.

24 THE COURT: One eighty-one?

25 MS. SHEALY: Uh-huh. It is not on that list. These

1 are two new photographs.

2 THE COURT: Any objection to Photo 181 and 182?

3 MR. SMITH: No, Your Honor.

4 THE COURT: Okay, 181 and 182 admitted without
5 objection.

6 (WHEREUPON, State's Exhibit Number 181, photograph, was
7 marked for identification.)

8 (WHEREUPON, State's Exhibit Number 181, photograph, admitted
9 into evidence.

10 (WHEREUPON, State's Exhibit Number 182, photograph, was
11 marked for identification.)

12 (WHEREUPON, State's Exhibit Number 182 was admitted into
13 evidence.)

14 THE COURT: Anything else?

15 MS. SHEALY: No, sir.

16 THE COURT: Anything from the defense?

17 MR. SMITH: No, Your Honor.

18 THE COURT: Okay. Bring the jury, please.

19 (WHEREUPON, the jury entered 9:45 a.m., February 4, 2015)

20 THE BAILIFF: All jurors are present, Your Honor.

21 THE COURT: Thank you very much. All right. If you
22 will call your next witness, please, ma'am.

23 MS. SHEALY: Cynthia Schandl, Dr. Cynthia Schandl.

24 (WHEREUPON, the witness was duly sworn.)

25 THE CLERK: Please state your name into the microphone,

1 and spell your last name for the record.

2 THE WITNESS: Cynthia Ana Schandl, S-C-H-A-N-D-L.

3 **DIRECT EXAMINATION BY MS. SHEALY OF DR. CYNTHIA SCHANDL:**

4 Q. Dr. Schandl, if you would please tell the jury where
5 you are employed.

6 A. Hi. Yes, I am employed at the Medical University of
7 South Carolina in the department of pathology and laboratory
8 medicine. And I also work in the medical and forensic
9 autopsy section there at MUSC.

10 Q. And how long have you worked there?

11 A. I have been employed there since 2004.

12 Q. And would you tell us about your educational
13 background?

14 A. Yes, ma'am. So I am a medical doctor and forensic
15 pathologist. So my educational background is a bachelor's
16 degree from California State University in San Bernardino
17 1990. And then I came to the Medical University of South
18 Carolina where I completed my medical degree and my doctoral
19 degree in 1999. So that is MD, PHD.

20 Following that there is a training program specifically
21 for pathology, residency program called anatomic pathology
22 and clinical pathology. I completed that here as well as at
23 MUSC.

24 And during that training I also did an additional
25 fellowship here in the subspecialty of forensic pathology.

1 And after the fellowship and residency training there is
2 board certification for those specialties. And I am board
3 certified by the American Board of Pathology in anatomic
4 pathology, clinical pathology, and forensic pathology.

5 And following all that training is when I began my
6 professional career at MUSC in 2004.

7 Q. And would you advise the jury approximately how many
8 autopsies have you performed.

9 A. I have performed over 2,000 autopsies.

10 Q. And have you been qualified previously as an expert in
11 the field of forensic pathology?

12 A. Yes, ma'am.

13 Q. Do you have an approximate number of how many times you
14 have been qualified?

15 A. About a hundred.

16 MS. SHEALY: Your Honor, at this time we would offer
17 Dr. Schandl as an expert in the field of forensic pathology.

18 THE COURT: And objections?

19 MS. SHEALY: No objections.

20 THE COURT: All right. The court so finds.

21 BY MS. SHEALY:

22 Q. Dr. Schandl, if you would briefly describe what an
23 autopsy is.

24 A. Yes, ma'am. So here in the state of Charleston there
25 are different offices that perform the forensic pathologist

1 or the medical doctor services for the different coroners of
2 the counties. At MUSC we perform autopsies for a number of
3 different counties from the state.

4 The autopsy itself is initiated by a call from the
5 coroner or one of their employees that will tell us that
6 they have a case that they would like to send to us and they
7 will describe it to us and then bring the body of the person
8 who has died to MUSC.

9 So then we will get to look at that person when they
10 come up to the autopsy room. And that is when our part of
11 the autopsy begins.

12 Generally I will begin by taking a series of
13 photographs and following the photographs note what they are
14 wearing and then remove the clothing. Sometimes the
15 clothing will get photographed separately depending on the
16 type of case if it is important to the case. And then turn
17 my attention to the external examination.

18 So once the person has no clothing on we can look for
19 ~~tattoos, scars, how tall are they, those sorts of things, as~~
20 well any injuries or other things that we find on the
21 outside of the body.

22 In a case such as this that involves in this case a
23 shotgun wound or a gunshot wound in those sorts of cases we
24 will take a series of x-rays prior to beginning any internal
25 examinations.

1 And the purpose of that in this kind of a case where
2 there is a gunshot wound or shotgun wound we are looking for
3 the projectiles. Because they are radial opaque, meaning
4 they show up very well on x-ray.

5 So that assists us in finding those projectiles which
6 is part of our process in this sort of a case is retrieving
7 those projectiles and getting them over as evidence to
8 whoever is investigating the case.

9 So we do the x-rays. And then we turn our attention to
10 the internal examination where is what most people think of
11 as the autopsy where we use surgical techniques to open the
12 body and look at all the internal organs. We are going to
13 look for any trauma, any disease processes, anything that
14 may be abnormal.

15 And in the case of a gunshot wound or shotgun wound we
16 are going to look to see what structures the projectile or
17 projectiles pass through as they went through the body and
18 see what damage that they did.

19 In addition to that, during the autopsy examination we
20 take body fluids, usually blood, in order to test for
21 toxicological substances like alcohol and substances of
22 abuse and medications, all those things get tested for
23 routinely in all of our autopsy cases.

24 Following that we are also going to look at -- I like
25 to look at each major organ under the microscope again to

1 see if there's any disease process and to also confirm
2 anything that I saw with my eyes under the microscope.

3 And once all of that information is put together I will
4 generate a report which is then given back to the coroner's
5 office.

6 Q. Okay. And were you asked to perform an autopsy on
7 Melinda Ford?

8 A. Yes, ma'am.

9 Q. In doing so are you also looking for the cause of
10 death?

11 A. Yes, ma'am.

12 Q. And if you would please could you tell us what your
13 findings were as they related to Melinda Ford?

14 A. Yes, ma'am.

15 Q. So with Ms. Ford what I found was a shotgun wound,
16 single shotgun wound, to her back, slightly to the right
17 side and middle of her back.

18 This shotgun wound traveled through her right chest and
19 ~~out through the breast area on the right side of the front~~
20 side of her chest. So from the back to the front.

21 During it -- as it went through the body it
22 destroyed -- essentially destroyed the right lung. And it
23 also bruised the left lung. And just the blast as it went
24 through it didn't go through the liver but as the blast went
25 through the body the liver was damaged as well.

1 In addition, those projectiles also broke some of
2 her -- the bones of the side of her spine because they were
3 right here (pointing) towards the middle of her back. And
4 there was some blood in her chest cavity as well from that.

5 Other things that we found were one of the projectiles
6 was still in her chest and that we retrieved. One of the
7 projectiles was in her bra cup which we retrieved. And
8 another one was in her clothing.

9 So we retrieved three of the -- of the projectiles from
10 this shotgun wound. They were quite large, so you might
11 think of buckshot that sort of size of shot.

12 Q. Let me see if I can't ---

13 A. Yes, ma'am.

14 Q. Let me kind of slow you down just for a second and go
15 over -- the wound to the back you determined was the
16 entrance wound or the exit wound?

17 A. The wound to the back is the entrance wound.

18 MS. SHEALY: And may I ask that she step down for just
19 a second, Your Honor.

20 THE COURT: Yes, ma'am.

21 Q. If you will come down for a second.

22 A. (Witness complied.)

23 Q. If you could on me show where that wound where the
24 gunshot entered her body.

25 A. So if this is the back, towards the middle of her back.

1 And the entrance gunshot wound just right about there
2 (pointing).

3 Q. So middle of the back widthwise ---

4 A. Slightly to the right.

5 Q. --- and middle of the back almost towards ---

6 A. Correct.

7 Q. Okay. Thank you. Well, while you are down here if you
8 would show us where there were some exit wounds.

9 A. Yes, the exit wounds were in this area right about here
10 (pointing). There were five separate exit wounds. So you

11 can imagine the shots are going to spread. There were over
12 five irregular exit wounds in the breast area on the right.

13 Q. And what is the significance of there being a single
14 space where the entrance occurred -- yeah, go ahead and have
15 a seat.

16 (WHEREUPON, witness returned to witness stand.)

17 Q. ... a single space where the entrance wound occurred and
18 then the multiple areas on the breast area?

19 A. ~~So one of the things that we can assess when we are~~
20 looking at gunshot wounds or shotgun in many cases is how
21 far away is the muzzle or the end of the gun from the
22 target. And so in this case there is a single defect to her
23 back, and so that suggests to us a range.

24 The single wound to her back is not perfectly round,
25 however. It has scalloped edges. So that tells us that the

1 shot has just started to spread from after leaving the
2 muzzle or the end of the gun.

3 So keeping that in mind, we have one hole, no satellite
4 entrances. Which as you move further back with a shotgun
5 wound the shot will spread and you will get satellite
6 entrance wounds so the shot will start to make holes around
7 the central defect.

8 And then of course if you go further back you are just
9 going to get little holes where the shot is entering. So
10 using those differences in the shotgun spread we can tell
11 with this wound where this single hole with scallops that
12 the end of the gun, the muzzle, was close to her.

13 By -- I mean by close, it can't be exact unless you
14 have that weapon and the same ammunition and actually test
15 fire it; but by close we are talking about three or four
16 feet, that kind of close. Not up against her and not far
17 away.

18 Q. And before you actually performed the autopsy there is
19 a cleansing of the body and the wound; is that correct?

20 A. Yes.

21 Q. I'm showing you what has been previously marked as
22 State's Exhibit 33. It will show up on your monitor. This
23 is a photograph that was taken at the scene. Does that
24 reflect the way the wound looked when -- before you were
25 able to clean it at autopsy? Can you orient yourself to

1 that photograph?

2 A. Yes, I have not with the -- yes. Yes, that is the
3 wound before we saw her. All right, it looks like it; yes.

4 Q. Did that photograph reflect the scalloped edges that
5 you were referring to?

6 A. Yes, ma'am.

7 Q. You can actually draw on that monitor with your finger.

8 A. Okay.

9 Q. If you would just show us what you mean by the
10 scalloped edges.

11 A. So this is the -- are you seeing it -- I am drawing a
12 little thing, aren't I? Can we erase that?

13 Q. Yes. So if we touch that and then hit clear you can.
14 (WHEREUPON, screen was erased.)

15 A. Okay. So that is the center of the shotgun wound
16 defect (pointing). If you look around the edges, so here we
17 can see this scallop (drawing).

18 So as opposed to, if you might, a round circle, we are
19 ~~starting to see scallops. And that is where the shot is~~
20 starting to spread just a little.

21 So you could image maybe a shot would go there
22 (pointing) and a shot would go there (pointing). They are
23 starting to spread out. As opposed to the contact where
24 there would be just one hole.

25 Q. Contact meaning?

1 A. Where the muzzle is right up against the body or much
2 closer than where we have it. There would be one hole
3 because the shot hasn't had a chance to spread. It is all
4 going straight in.

5 Q. Okay. And again you have indicated that what is meant
6 by close is three to four feet?

7 A. Yes, that is about -- that is an estimate.

8 Q. From the body to the muzzle?

9 A. That's correct.

10 Q. Okay. And showing you State's Exhibit 128. That shows
11 the image once it had been cleaned?

12 A. Yes, ma'am.

13 Q. And again, you can see the scalloped edges pretty
14 closely on that depiction; is that correct?

15 A. Yes, so again we are talking about this would be the
16 center of the wound here (pointing), and the scallops that I
17 am talking about are these things (pointing).

18 Q. Showing you State's Exhibit 127. And clear that.

19 A. (Witness complied.)

20 Q. What is this is a depiction of?

21 A. This is the front of Ms. Ford's body. Up here is her
22 neck (pointing). And here is her breast (pointing). These
23 defects are -- to her breast are the exit wounds that I was
24 speaking of.

25 Q. Okay. Now in the path of the pellets you have

1 indicated the damage that had been done. Was there anything
2 found in the wound path of a physical nature?

3 A. Yes, ma'am. In -- within the wound path again
4 consistent with the close range of fire there was shotgun
5 wadding. So that is part of what is in the shotgun shell to
6 hold the pellets together. So that also entered the wound.
7 And the -- so there was a piece of cardboard wadding and
8 also a plastic cap or wadding.

9 In addition, one of the pellets, again, was within the
10 wound track. And also along that pathway if you take her

11 clothing into account we also found some of the filler that
12 goes into the shotgun shell.

13 So again, with the larger shot they like to make them
14 nice and packed. And the way that they do that is they add
15 these little balls of in this case white plastic looking
16 little balls to make it packed so that when they go out they
17 are going out as one. So we also found some of that filler
18 on her clothing. All those things consistent with the close
19 range of fire.

20 Q. Showing you State's Exhibit 130. The items that you
21 were talking about which have been previously marked as
22 State's Exhibit 164, does that photograph reflect the items
23 that you found in the wound track?

24 A. Yes, ma'am, these are they. There is ---

25 Q. And could you distinguish between each of those three

1 items.

2 A. Sure. So this is the plastic wadding or cap
3 (pointing). This is the cardboard one (pointing), and this
4 is the pellet from the wound track (pointing).

5 Q. And did you also find any item in her chest itself?

6 A. Yes, all of these things were in that wound tract. The
7 projectile was in her chest. And these other things were
8 also in that left -- in that right chest area.

9 Q. Okay. So showing you State's Exhibit 131. That was
10 found from in her chest?

11 A. That is correct.

12 Q. And then you had mentioned that there was actually a
13 pellet that had been found in her bra?

14 A. That's correct.

15 Q. And showing you State's 129. Is that a depiction of
16 the pellet from the bra?

17 A. Yes, ma'am.

18 Q. Showing you what has been previously marked as State's
19 Exhibit 182. Does this represent part of the bra?

20 A. Yes, it does.

21 Q. And could you tell the jury whether or not you see the
22 pellet on the bra?

23 A. That is a good question. I think it is this
24 (pointing). But this is -- it is difficult to tell with
25 this glare on the -- on the photograph.

1 Q. Let me -- let me show you the photograph itself and
2 just tell -- the glare may be actually on the photograph.
3 But if you could tell better from that?

4 A. Yes, that thing I dotted is the pellet.

5 Q. Okay. So this is the pellet (pointing)?

6 A. That's correct.

7 Q. Now these items (pointing), what do those reflect?

8 A. Those are pieces of flesh, so bony pieces or muscle
9 pieces or skin.

10 Q. Now in going over, if we could again, how the pellet

11 injured the body; you had mentioned that there -- what had
12 happened to the liver?

13 A. So the liver although the pellet did not go through the
14 liver the force from the blast has enough energy to cause
15 what they call a temporary cavity in the body. And so as
16 the blast went through her body that temporary cavity caused
17 damage to the middle of the liver. So it essentially
18 macerated or mushed up the middle of the liver without

19 actually penetrating the liver.

20 Q. Could you discuss with the jury, please, what the role
21 of the velocity of the shot would have with the damage done
22 to the body?

23 A. Yes, sure. So it is basically energy equals mass times
24 velocity squared. So the faster something goes, the more
25 energy that it is going to impart into whatever. In this

1 case with a projectile you're talking about how heavy is the
2 projectile, so that is mass; and how fast is it, which is
3 the velocity. So if something is going faster, it imparts
4 more energy. And if something has more mass it imparts more
5 energy.

6 Q. Regarding her lungs I believe you indicated that as it
7 related to the right lung, what type of damage was done?

8 A. Well, all three lobes. So the right lung has three
9 lobes. All three lobes were damaged, macerated, torn up,
10 ripped up, ruined.

11 Q. Okay. And the heart itself was there any movement
12 actually of the heart due to the damage in the body?

13 A. I can only presume that there was because of the blast
14 force behind it. I mean I -- the heart was where it was
15 meant to be when I got to her. But one can presume that
16 there may have been some movement during that blast.

17 Q. How many distinct defects were there in the body?

18 A. Distinct defects? I'm not exactly sure what you
19 mean ---

20 Q. Okay.

21 A. --- by that question.

22 Q. Well, you have indicated that there were a variety of
23 ways that the body was injured; is that correct?

24 A. Yes, ma'am.

25 Q. Okay. And can you tell by your observations how many

1 pellets went in her?

2 A. Oh, I see what you mean. No, I don't know how many
3 pellets went in. I know that at that there's five exits, so
4 at least five came out. But those exits are big enough that
5 more than one could come out in those holes. And I know
6 that I recovered three, one in her body.

7 So I know that there are at least five -- I mean at
8 least six. I'm sorry, I said five because there are five
9 exits. And one because I found one inside the body. But
10 there could be many more because they can exit through the
11 same holes.

12 Q. And there would have been the one also in the bra?

13 A. Right, the one in the bra as well. But that one had,
14 yes, gone out.

15 Q. And in looking at State --- so one of the ones that
16 exited her body could have land -- could have enmeshed
17 itself in the bra?

18 A. Correct.

19 Q. Looking at State's Exhibit 127, again, you were
20 indicating that that area reflects the exiting of pellets?

21 A. That is correct.

22 Q. And when you were indicating that it is possible that
23 more than one pellet could have left the body in this area,
24 what areas were you talking about that could reflect more
25 than one pellet exiting?

1 A. Well, actually there's five distinct holes or defects
2 here. Any one of them could have had more than one pellet
3 come out. I mean this one (pointing) is quite large. This
4 one over here (pointing) is large enough. This one
5 (pointing) is a little smaller, so maybe one, maybe more; I
6 don't know. But they are all quite big enough to
7 accommodate more than one pellet coming out.

8 Q. And someone is struck by a shotgun blast like that, is
9 there any way of knowing how long it would be before someone
10 falls, the person who is inflicted with the shot?

11 A. There really isn't. So in this case we have damage to
12 her lung and damage to her liver. We know it went close
13 enough to her spine to break some of the bones of the spine.
14 So that has a potential to have someone have a -- just drop
15 out because of damage to the spinal cord.

16 I didn't find any damage, you know, actual damage to
17 the spinal cord; but --- and the other thing is that the
18 body is an incredible thing and it tends to do things we
19 don't anticipate it can do after being damaged. So I don't
20 have a good guess for you for how long she lived after she
21 was shot.

22 Q. And you had mentioned to us that a lab panel is done on
23 the deceased person; is that correct?

24 A. Yes, ma'am.

25 Q. Now as it relates to Ms. Ford, that was done; is that

1 correct?

2 A. Yes, ma'am.

3 Q. Could you explain to the jury where you typically take
4 the blood from in taking a sample of the blood for that
5 purpose?

6 A. Yes, so with any toxicological exam we have a preferred
7 blood sample, and that would be what we call peripheral
8 blood. So outside of any of the body cavities so that it
9 won't be contaminated by gastric contents or other things.

10 When somebody starts to decompose their bacteria in the

11 gut it can start making alcohol and other things. So our
12 preferred specimen is going to be peripheral blood. And
13 that if we can't get any peripheral blood, depending upon
14 the circumstances, then we will use other specimens as we
15 have available in the body.

16 Q. Okay. And as it relates to Ms. Ford where were you
17 able to get the blood from?

18 A. In Ms. Ford we were not able to get any peripheral
19 ~~blood, so in her case we took a sample from the cardiac area~~
20 or central sample of blood.

21 Q. And why was it that you were unable to get her
22 peripheral blood?

23 A. Well, there can be many reasons for that. Sometimes
24 the blood will clot in the vessels. Sometimes there just
25 isn't -- they are just flat; there is no blood in them. I

1 don't recall specifically what her case was. I suspect it
2 was that they were flat. But I can't tell you that for
3 certain. But all I know is that we were not able to get
4 blood from her peripheral circulation.

5 Q. Would blood loss also contribute to that inability?

6 A. Yes, so if there was significant blood loss that make
7 those returning vessels, the veins that we are trying to
8 stick go flat; and then we wouldn't be able to get a sample.

9 Q. And regarding the lab results in this case what was the
10 actual result regarding alcohol content?

11 A. One moment. The blood ethanol was 0.199 percent.

12 Q. And how can that result be misleading if it were taken
13 from the cardiac cavity?

14 A. Usually if you have a cardiac sample when you're
15 looking at alcohol as opposed to a peripheral sample they
16 are usually quite similar. But certain things can happen
17 that can change that dynamic.

18 One is if you have been drinking alcohol recently so
19 then you have a very high concentration of alcohol in your
20 stomach and then you die, that alcohol can just ooze out of
21 the stomach; so it basically just gets to start wandering
22 out the wall of the stomach into the surrounding spaces.

23 And if we draw too close to the stomach some of that
24 alcohol may be mixed in with that blood sample. So that can
25 make what we measure higher than what her level was when she

1 died. So that's one possibility.

2 Q. So if someone were to have been drinking wine just
3 prior to being shot then the blood having come from the
4 cardiac cavity could be influenced as you have just
5 indicated?

6 A. Yeah, it is possible that if someone was drinking any
7 kind of alcohol that would be obviously much more
8 concentrated than their blood would be and so that diffusion
9 could affect the level by making it look higher than it
10 really is.

11 Q. Now you told us about x-rays that you take during an
12 autopsy. Showing you what's been marked as State's Exhibit
13 109. Could you tell us what this x-ray reflects?

14 A. Yes, ma'am. So this is an x-ray of Ms. Ford from
15 the -- an x-ray that is going from front to back. You are
16 looking at her chest. So here is her clavicle (pointing)
17 and in her spine (pointing).

18 This is the projectile that we have been talking about
19 ~~that was within the wound tract. And then all these little~~
20 flecks are probably little pieces of metal that have falling
21 off some of the projectiles. They could be bone fragments,
22 other things that would stop the x-ray from penetrating all
23 the way through.

24 So like for example in the right chest itself where it
25 is kind of black, that means that the rays are passing

1 through. They do that really well if there is air, for
2 example. Much less well if there is bone or metal like the
3 projectile.

4 Q. And showing you State's Exhibit 110. Could you
5 describe what this reflects?

6 A. Oh, this is another x-ray of Ms. Ford. This is more of
7 her belly and pelvic area. And it is basically -- just
8 shows some air in the bowel. This (pointing) is maybe an
9 EKG tape or something like that on the surface of the body.
10 It is basically showing that area of the body.

11 Q. Is there any significance to there being air in the
12 bowel?

13 A. No, that is a normal finding.

14 Q. Okay. And as part of an autopsy do you also take
15 photographs of the clothing that the deceased comes in
16 wearing?

17 A. It will depend upon the type of case. In this case or
18 in most gunshot wound cases or homicides I will.

19 Q. And after you have taken photographs do you collect the
20 clothing so that it can go back to the evidence technicians?

21 A. Yes, ma'am.

22 Q. Showing you what's been marked as State's Exhibit
23 Number 111. Can you tell us are those the pants that the
24 victim was wearing?

25 A. Yes, ma'am.

1 Q. And showing you 122. Is that the back of the pants?

2 A. Yes, ma'am.

3 Q. The dark area along the waist line and covering part of
4 that pocket, is that blood that is on the pants?

5 A. Yes, ma'am.

6 Q. Now when you have a - showing you State's Exhibit 112 -
7 an article of clothing that reflect the damage done by the
8 shotgun do you put something underneath where the fabric has
9 been torn to be able to reflect what that area looks like?

10 A. I often do, yes, ma'am.

11 Q. And can you tell us what this photograph depicts?

12 A. Sure. So as you can see this is her shirt, a black
13 long-sleeve T-shirt. It has been cut, so you can see like
14 up in this area and other places you see it has been cut.
15 That is what frequently occurs when emergency medical
16 personnel or first responders get to the person. They are
17 trying to get the clothing off so they can see what is going
18 on. So we frequently will receive clothing previously cut,
19 ~~which we did in this case.~~

20 You can see the entrance wound because of the cut
21 through the clothing, the entrance wound to the back. So
22 that is this thing here (pointing).

23 And then you can also see the exit wound to the
24 front-right chest of the shirt which are these things over
25 here (pointing).

1 Q. And showing you a little bit closer up image in 113 and
2 then 114. And that correlated with what you saw on her
3 breast area?

4 A. Yes, those are the exits through the clothing.

5 Q. Showing you 115. Is this a closer image of the tearing
6 from the back of the shirt?

7 A. Yes, that is.

8 Q. And 116 was the jacket that she had on?

9 A. Yes, it is.

10 Q. Do you see any defects in that jacket?

11 A. Most apparent are the entrance wounds. So again, with
12 the jacket a little bit open like that you can see to the
13 mid back of it. And so that is the entrance there. And
14 then there is some tearing here that is in the area of the
15 exits.

16 Q. And 117?

17 A. Again so much the same.

18 Q. And then 118 I think may be a little closer.

19 A. And yeah, again, so this we are looking all the way to
20 the back since the jacket is open here (pointing) is the
21 entrance and then we have some tearing over here (pointing)
22 to the -- to the -- to the jacket right side, front.

23 Q. Those pinkish items above the dots that you've put on
24 the clothing, what does that reflect?

25 A. Well, I can't tell you for certain. It looks like some

1 parts of flesh again. Up here do you mean?

2 Q. Yes. And State's Exhibit 119?

3 A. So this is again the jacket. And you can see the
4 entrance wound towards over here (pointing). And then you
5 can see some defects to the inside of the right chest area
6 over here (pointing) representing where the projectiles were
7 leaving her body.

8 Q. Okay. And 121?

9 A. And again, much the same with the jacket open. You can
10 see the entrance wound coming through the back of the fabric
11 and then the exit wounds over on the right chest area.

12 Q. And State's 124?

13 A. And I think we've seen this ---

14 Q. That is the bra area.

15 A. --- or something similar. This is the inside of the
16 bra cup and the pellet that was there.

17 Q. And 125, that is another photograph of the long-sleeve
18 shirt?

19 ~~A. This is, and this is where it is actually turned with~~
20 the back facing you. So you are not seeing the front here.
21 You are seeing only the back. And so again the entrance
22 wound.

23 Q. So Dr. Schandl, simply put, the cause of death for Ms.
24 Ford was what?

25 A. The cause of death is right lung and liver maceration

1 due to close range shotgun wound to the back.

2 MS. SHEALY: Beg the court's indulgence just a moment.

3 THE COURT: Yes, ma'am.

4 MS. SHEALY: Doctor Schandl, I have no further
5 questions. If you will answer any that the defense may
6 have.

7 THE COURT: Cross-examination.

8 **CROSS-EXAMINATION BY MR. SMITH OF DR. SCHANDL:**

9 Q. Good morning, Dr. Schandl.

10 A. Good morning.

11 Q. I want to talk to you just for a little bit about your
12 characterizing the wound as being close.

13 A. Yes, ma'am.

14 Q. Okay. You said there were a number of factors that go
15 into that, correct?

16 A. Factors in deciding, yes, sir.

17 Q. And would that be affected by the type of gun that is
18 used?

19 A. Yes, to be accurate you really need the weapon that was
20 used and the ammunition that was used and then you can
21 basically test fire.

22 So you use some sort of a paper target and you start at
23 the target and then you back up and you back up and you back
24 up until you get a similar appearance as what you are trying
25 to measure. And then you can have a more accurate idea of

1 how far away the muzzle was from the target.

2 Q. And so when you were talking about the range in this
3 case that is based on just your general observations without
4 having test fired the weapon; is that ---

5 A. That is absolutely true.

6 Q. When you are talking about the scallops around the
7 wound, that indicates that there has been some spread of the
8 pellets; is that accurate to say?

9 A. Yes, ma'am.

10 Q. And again, that indicates -- you can't really determine
11 from that exactly the distance; is that fair to say?

12 A. Well, no, I can't. Again, if you test fired you could
13 probably get very close to that same scalloped appearance
14 and know better.

15 Q. And would it be fair to say that you can't -- without
16 knowing what the pattern that comes out of the gun is, the
17 firing pattern, that you can't tell for sure the distance in
18 this case?

19 ~~A. I can't tell for sure. Again, what I can tell is that~~
20 it is close. And if you take all the shotguns in the world,
21 close means three or four feet. That's what I can tell.

22 Q. What can you tell us about kind of the trajectory from
23 this wound; can you tell us anything about that?

24 A. I can. So what we can measure at autopsy is where did
25 the projectile or projectiles enter and where did they

1 leave. And then we can sort of make -- tell you how that
2 worked. So in her case they were coming forward, and they
3 were going up and they were going to the right.

4 Q. Okay. And what would be factors that could affect that
5 trajectory?

6 A. Well, from my point of view it is what it is. You
7 know, the pellets went -- they went up, they went to the
8 right, and they went forward. But as far as where were two
9 people, that I have no information about.

10 Because people move. And as soon as you move one way
11 or the other, you know, something that was right could have
12 been left. So I don't know when the two people were in
13 space, but I can tell you with absolutely certainty how they
14 traveled through the body.

15 Q. And would that type of trajectory be consistent with
16 the gun being at a lower position than the person?

17 A. Lower -- I am not quite sure ---

18 Q. Meaning if the gun were lower than where the wound was.

19 A. I see. That is one possibly.

20 Q. And other possibilities would be that person was moving
21 or bending in some fashion?

22 A. That is another possibility.

23 MR. SMITH: Beg the court's indulgence just a moment.
24 That's all the questions I have, Your Honor.

25 THE COURT: Any redirect?

1 MS. SHEALY: Just briefly.

2 REDIRECT EXAMINATION BY MS. SHEALY OF DR. SCHANDL:

3 Q. So Dr. Schandl, as you have indicated, the trajectory,
4 if someone screamed out seeing someone pointing a weapon at
5 them and attempting to flee their body may have reacted
6 accordingly; is that correct?

7 A. Well, that is the thing about people, they don't tend
8 to stay still. So regardless of any circumstance you -- you
9 might duck and dive. I don't know.

10 Q. And if you were to drop items and try to move, they may
11 also affect the posture of your body when you were actually
12 struck by the shotgun blast; is that correct?

13 A. Yes. So again, I can't tell you where the two people
14 were; I just know how the projectiles went through the body.

15 Q. Okay. Thank you very much. I have nothing further.

16 THE COURT: Any recross?

17 MR. SMITH: No, Your Honor.

18 THE COURT: All right. You may step down. Doctor, you
19 may be excused. Thank you so much.

20 Call your next witness, please.

21 MS. SHEALY: Your Honor, the State rests.

22 THE COURT: Okay. All right. Madam forelady, ladies
23 and gentlemen of the jury, I have to take up certain motions
24 at this time. I would ask that you go to the jury room.
25 And we may take a short break or we may not. I will just
26

1 have to decide after I talk with the attorneys. Please
2 don't discuss the case amongst yourselves. If you will
3 follow the bailiffs to the jury room, please.

4 (WHEREUPON, jury exits courtroom 10:26 a.m., February 4,
5 2015)

6 THE COURT: All right. Any motions from the State?

7 MS. SHEALY: No, Your Honor.

8 THE COURT: Any motions from the defense?

9 MS. RUNEY: Yes, sir.

10 THE COURT: Yes, ma'am.

11 MS. RUNEY: At this time the defense would make a
12 motion for a directed verdict in that the State has failed
13 to prove every element of murder, specifically malice. We
14 haven't had any proof of that.

15 No one has testified in this courtroom that they saw
16 the firing of the weapon, and no one saw what happened
17 outside leading up to the shooting of Ms. Ford.

18 We heard from her daughter, Ms. Jenkins. She never saw
19 Mr. Wright leave the trailer, and she didn't see what
20 happened between Ms. Ford and Mr. Wright. The neighbor, he
21 didn't hear anything outside, Mr. Maxwell. And the daughter
22 testified that she did not hear anything until she heard the
23 gunshot. So at this time the defense would ask the court to
24 direct a verdict on the charge of murder.

25 THE COURT: Solicitor.

1 MS. SHEALY: Thank you, Your Honor. It would be the
2 State's position that there is ample evidence for this case
3 to go before the jury.

4 Ms. Jenkins indicated that she did not see Mr. Wright
5 leave the residence but she saw her mother leave the
6 residence. She hears her mother yell out no. She heard a
7 gunshot, walks immediately outside, sees Mr. Wright with the
8 weapon in his hand pointing it towards the woman going huh,
9 huh. And so obviously the shooting occurred outside, and
10 Mr. Wright was outside.

11 Mr. Wright then hands the gun to the young girl
12 apparently acknowledging guilt and says please shoot me. He
13 does not stay to render any help to the woman. He flees the
14 area from the police. He attempts to hide from the police
15 and evade the police.

16 Obviously the weapon in question is a deadly weapon.
17 The shotgun blast was close, as testified to by the
18 pathologist. And I think the case is completely warranted
19 to be presented to the jury.

20 THE COURT: All right. The motion for directed verdict
21 is denied. All right, Mr. Smith -- Mr. Smith, let me ask
22 you a couple of questions if I may. Have you explained to
23 your client the Fifth Amendment rights to remain silent?

24 MR. SMITH: I have, Your Honor.

25 THE COURT: Did he appear to understand those

1 conversations?

2 MR. SMITH: He did, Your Honor.

3 THE COURT: How often have you talked to him about his
4 Fifth Amendment rights to remain silent?

5 MR. SMITH: We have talked; we end up in this trial
6 about every day for the last week-and-a-half specifically
7 about that issue.

8 THE COURT: All right. Have you had any difficulty
9 communicating with him?

10 MR. SMITH: I have not, Your Honor.

11 THE COURT: Has he been able to assist you in your
12 preparation for trial and the case?

13 MR. SMITH: He has, Your Honor.

14 THE COURT: And you had no doubt that he understood the
15 conversations that you had with him concerning his Fifth
16 Amendment rights to remain silent?

17 MR. SMITH: That is correct.

18 THE COURT: Okay. All right. Mr. Wright, if you will
19 stand and raise your right hand.

20 (WHEREUPON, the witness was duly sworn.)

21 THE COURT: All right. Mr. Wright, you are going to
22 have to speak up so I can hear you. Okay. You can put your
23 hand down. I am going to explain to you your constitutional
24 rights, i.e. meaning your Fifth Amendment rights to remain
25 silent; do you understand?

1 MR. WRIGHT: Yes, sir.

2 THE COURT: All right. During this conversation
3 between you and I if you want to speak with your attorney
4 about any questions I may ask you, please let me know and I
5 will stop and give you an opportunity to confer with your
6 attorney before you answer; do you understand?

7 MR. WRIGHT: Yes, sir.

8 THE COURT: If you don't understand any of the
9 questions, please tell me.

10 MR. WRIGHT: Yes.

11 THE COURT: Can you do that?

12 MR. WRIGHT: Yes, sir.

13 THE COURT: All right. Under our Constitution, the
14 United States Constitution or whether it is a state
15 constitution, no one can compel you to testify against
16 yourself; do you understand?

17 MR. WRIGHT: Yes, sir.

18 THE COURT: It is commonly referred to as the right to
19 remain silent. Do you understand?

20 MR. WRIGHT: Yes, sir.

21 THE COURT: This is a personal privilege that you have.
22 No one can waive that privilege for you, the court, your
23 attorney or anyone else. No one can waive it for you. Do
24 you understand?

25 MR. WRIGHT: Yes, sir.

1 THE COURT: Only you can make the decision whether you
2 want to testify or not to testify. Do you understand?

3 MR. WRIGHT: Yes, sir.

4 THE COURT: If you elect not to testify your failure to
5 testify cannot be used by the State as an inference of guilt
6 and your failure cannot be considered by the jury in its
7 deliberations and the court will so inform the jury. Do you
8 understand?

9 MR. WRIGHT: Yes, sir.

10 THE COURT: Now if you do elect to testify then you
11 will assume the role of a witness. Do you understand?

12 MR. WRIGHT: Yes, sir.

13 THE COURT: And you will be on cross-examination. You
14 will be required to answer the questions if they are
15 appropriate under the rules of evidence of the rules of
16 court. Do you understand?

17 MR. WRIGHT: Yes, sir.

18 THE COURT: It is not like you see on television where
19 a witness takes the Fifth to one question and then answers
20 the other question. You either take the Fifth and don't
21 testify or you take the stand and testify. Do you
22 understand?

23 MR. WRIGHT: Yes, sir.

24 THE COURT: The decision to remain silent is not now,
25 not -- is now, not when you take the witness stand. Do you

1 understand?

2 MR. WRIGHT: Yes, sir.

3 THE COURT: Now has anybody forced you or threatened
4 you in any manner whatsoever to make you testify?

5 MR. WRIGHT: No, sir.

6 THE COURT: Has anybody put any pressure on you not to
7 testify?

8 MR. WRIGHT: No, sir.

9 THE COURT: Have you under -- have you consulted with
10 your attorney about your right to testify ---

11 MR. WRIGHT: Yes, sir.

12 THE COURT: --- or not testify?

13 MR. WRIGHT: Yes, sir.

14 THE COURT: Have you understood those conversations?

15 MR. WRIGHT: Yes, sir.

16 THE COURT: Has he explained your Fifth Amendment
17 rights to you?

18 MR. WRIGHT: Yes, sir.

19 ~~THE COURT: Do you have any questions for the court or~~
20 do you wish to talk to your attorney about anything that I
21 have explained to you or asked you about your Fifth
22 Amendment rights to remain silent?

23 MR. WRIGHT: No, sir.

24 THE COURT: Do you want to talk to your attorney any
25 further about your right to testify or your right not to

1 testify before I ask you if you are going to testify or not?

2 MR. WRIGHT: No, sir.

3 THE COURT: Pardon?

4 MR. WRIGHT: I don't need to talk to him.

5 THE COURT: Pardon?

6 MR. WRIGHT: You asked me do I need to talk to him?

7 THE COURT: Yeah, do you want to talk to your attorney
8 before you decide whether you want to testify or not
9 testify, any further?

10 MR. WRIGHT: No, I don't ---

11 THE COURT: In other words, if you want to talk to your
12 attorney I will give you an opportunity to do it about your
13 right to testify.

14 MR. WRIGHT: No, I don't need to talk to him.

15 THE COURT: Are you ready to go?

16 MR. WRIGHT: Yes, sir.

17 THE COURT: Are you ready to answer my questions?

18 MR. WRIGHT: Yes, sir.

19 THE COURT: All right. Do you want to testify?

20 MR. WRIGHT: Yes, sir.

21 THE COURT: All right. You want to testify?

22 MR. WRIGHT: Yes.

23 THE COURT: All right. Solicitor, are there any prior
24 criminal records that you could use for impeachment?

25 MS. SHEALY: No, sir.

1 THE COURT: Does he have a prior criminal record at
2 all?

3 MS. SHEALY: He does, Your Honor. Beg the court's
4 indulgence just a moment.

5 He has an assault and battery third and a 1998
6 possession of cocaine. A 2001 simple assault. And that's
7 everything, Judge.

8 THE COURT: Okay. Nothing that you found to impeach in
9 any way?

10 MR. WRIGHT: That is correct.

11 THE COURT: All right. Mr. Smith, do you want your
12 attorney -- excuse me -- your client any questions about his
13 right to remain silent or is there anything you would like
14 to put on the record, either you or Ms. Runey, concerning
15 his right to remain silent?

16 MS. SHEALY: Nothing for me, Your Honor. We met last
17 night, so I am confident in our conversation.

18 THE COURT: Ms. Runey, anything you would like to put
19 on the record?

20 MS. RUNEY: No, sir.

21 THE COURT: All right. Thank you so very much. All
22 right. How much time do you need before you are ready to
23 present your case?

24 MR. SMITH: Judge, if I could -- if we could just have
25 a short break, maybe five minutes, ten minutes.

1 THE COURT: Well, if we are going to take a break I am
2 going to take one longer than that. How about about 15
3 minutes?

4 MR. SMITH: Okay.

5 THE COURT: Okay. All right. We will take about a
6 15-minute break.

7 MR. SMITH: Thank you.

8 (WHEREUPON, break was had 10:35 a.m. to 11:05 a.m.)

9 THE COURT: All right. Anything from the State before
10 we get started?

11 MS. SHEALY: No, Your Honor.

12 THE COURT: Anything from the defense?

13 MR. SMITH: No, Your Honor.

14 (WHEREUPON, jurors enter courtroom.)

15 THE BAILIFF: All jurors are present, Your Honor.

16 THE COURT: Thank you very much. Mr. Smith, if you
17 will call your first witness, please, sir.

18 MR. SMITH: Thank you, Your Honor. The defense calls
19 Timothy Wright.

20 THE COURT: Mr. Wright, if you will come around and be
21 sworn, please.

22 (WHEREUPON, the witness was duly sworn.)

23 THE CLERK: Just state your name into the microphone
24 and spell your last name for the record.

25 MR. WRIGHT: Timothy Wright, W-R-I-G-H-T.

1 DIRECT EXAMINATION BY MR. SMITH OF TIMOTHY WRIGHT:

2 Q. Mr. Wright, can you tell us where you are from?

3 A. Red Top.

4 Q. Okay. And you still have family in that area?

5 A. Yes, sir.

6 Q. I want to talk to you specifically a little bit about
7 your relationship with Melinda Ford, okay. Were you all
8 seeing each other?

9 A. Yes, sir.

10 Q. And how long did you see one another?

11 A. It was months. Probably like about seven or eight
12 months.

13 THE COURT: Mr. Wright, speak up so everybody can hear
14 you, please.

15 A. Probably about seven or eight months.

16 THE COURT: Okay.

17 A. Something around there.

18 THE COURT: Lean into the microphone so everybody can
19 hear you, please, sir.

20 MR. WRIGHT: All right.

21 THE COURT: All right.

22 BY MR. WRIGHT:

23 Q. And were you living together?

24 A. Yes, at one period of time we were living together.
25 Not at first, but then eventually it got to that stage.

1 Q. Now I want to take you back to February 16 back in
2 2013, okay. And I want you to talk specifically and I am
3 going to ask you some questions about what happened that
4 evening, okay?

5 A. Yes, sir.

6 Q. Where were you that evening?

7 A. The evening of February 16th?

8 Q. Uh-huh.

9 A. That afternoon I had went to the woods to move some of
10 my deer stands out of the woods that afternoon.

11 Q. Okay. And after you moved your deer stands where did
12 you go?

13 A. I went back by the Boost Mobile store which is right
14 down from Maybank Highway. I paid the cell phone bill and I
15 also purchased another cell phone.

16 Q. And what was your purpose in purchasing another cell
17 phone?

18 A. I had talked to Kadasha before the incident, like a
19 couple of days before, and I told her I would purchase her a
20 cell phone.

21 Q. After you left the Boost Mobile store where did you go?

22 A. I stopped by -- I think I stopped by Pizza Hut and I
23 grabbed a little personal pan pizza to eat along with the
24 food I had at home already.

25 Q. Okay. And at that point did you head on home?

1 A. Yes, sir.

2 Q. Tell me about what happened when you got home.

3 A. When I got home I got out of my vehicle and went into
4 the house. I warmed up the food that I had in the
5 refrigerator. Because I ate the personal pan pizza on the
6 way going. So I warmed up the food and went in the room and
7 sat down and ate the food.

8 Q. And was this at a room that you shared with Melinda
9 Ford?

10 A. Yes, sir.

11 Q. And did someone -- someone or some people come home at
12 some point?

13 A. Yes, sir.

14 Q. Okay. Who came home?

15 A. Melinda and Kadasha came back home.

16 Q. And what did they do when they got in?

17 A. I saw Kadasha had bags in her hand. She was the first
18 one that entered the house. And she came into the room.

19 ~~She told me hi. And shortly after that Melinda came in~~
20 behind her.

21 Q. And what did you do at that point?

22 A. Once Melinda came into the home?

23 Q. Yes.

24 A. Melinda came into the room. And she was a little bit
25 frustrated, you know, people making comments to her as far

1 as, you know, our relationship wise. And she was discussing
2 that matter with me in the room.

3 Q. Okay. While she was in there did she ever ask you to
4 leave the home?

5 A. No, sir.

6 Q. So how long did you all discuss that?

7 A. The discussion didn't last but for maybe three or four
8 minutes.

9 Q. Okay. And after that discussion what did you decide to
10 do?

11 A. I decided after having that discussion with her the
12 best thing was for me to leave the home.

13 Q. Okay. And what did you do?

14 A. I then I left out of the room. I went to the kitchen
15 to look for some trash bags. And then I went back into the
16 room after getting trash bags, and I started packing my
17 things.

18 Q. When you were out in the kitchen did -- was anybody
19 else in the kitchen at that time?

20 A. Yes, sir, Kadasha was in the kitchen.

21 Q. Okay. And did you give her anything at that point?

22 A. Yes, sir, I gave Kadasha the cell phone that I had
23 purchased for her. And I also told her, I said -- I told
24 Kadasha, I said if you ever need anybody to talk to -- if
25 you ever need me to talk to me, just call me. Because I

1 said I'm done; I am going.

2 Q. And from there where did you go?

3 A. I went back in the room and started packing my
4 clothing.

5 Q. And in relationship to that room where was your
6 clothing?

7 A. In the closet.

8 Q. And was it folded or hanging up?

9 A. They all were on hangers.

10 Q. All were on hangers. And so after you packed up the
11 stuff what did you do?

12 A. After I packed up -- I packed up a couple of bags, like
13 maybe one or two bags at a time. And also being that I deer
14 hunt I had a gun sitting in the closet that I have it behind
15 this little dresser in her closet. And when you walk into
16 the closet the little dresser sits to the left. Melinda has
17 a little young son so I put the gun behind the dresser where
18 he wouldn't have access to it or wouldn't notice it.

19 ~~Q. I want to stop you there for just a second, okay. I~~
20 would like to show you what has been marked Defendant's
21 Exhibit Number 1.

22 Beg the court's indulgence just a moment.

23 THE COURT: Yes, sir.

24 BY MR. SMITH:

25 Q. Mr. Wright, is this the closet that you were

1 describing?

2 A. Yes, sir. Yes, sir.

3 Q. And your clothes were hanging up inside there?

4 A. Yes, sir.

5 Q. And can you show us kind of on this picture where the
6 cabinet was where behind you kept your gun.

7 A. There is a cabinet that sits right behind the door on
8 the door jam right here (pointing). It is a little
9 dresser -- a dresser that sits right there in that corner.

10 Q. And ---

11 A. It is off to that corner behind that door right there
12 (pointing).

13 Q. And what type of gun did you keep back there?

14 A. I kept a 12-gauge Remington pump gun.

15 Q. And what did you normally use that gun for?

16 A. Hunting purposes only.

17 Q. Okay. Do you remember the last time that you used the
18 gun?

19 A. Yes, sir, the last day I used it was February 1st --
20 I -- January 1st because that was the last day of deer
21 season.

22 Q. Okay. And on that last day of deer season did you
23 unload the gun?

24 A. To be honest, no, sir, I didn't. Because I don't know
25 if any of you all are familiar with deer hunting, but we dog

1 drive. We use dogs to deer hunt with. And certain
2 landowners let us cross over on their properties to stop the
3 dogs if they get out onto their properties, but they don't
4 want us to carry the guns onto their properties. So I left
5 it behind in the vehicle.

6 Q. Okay. And then eventually you brought the gun inside?

7 A. Brought it inside the home.

8 Q. Inside of the house?

9 A. Yes, sir.

10 Q. Now where was Ms. Ford during this time that you were
11 packing your things up?

12 A. She was right there in the room next to me, and then
13 she went -- she went into the bathroom to use the bathroom.

14 Q. Okay. And then what did you do as you were packing
15 your stuff up?

16 A. Just basically just packing my belongings and trying to
17 get them all together. And I went into the closet and I
18 grabbed the shotgun. Because I was taking clothes out -- if
19 ~~you can see in this rear corner right here, this is a~~

20 section where I had already moved some of the clothes in
21 right here (pointing). And there's a few more shirts that
22 were left over.

23 In this corner (pointing) I kept a lot of pants and
24 stuff in this corner right next to that dresser drawer. So
25 when I was grabbing those I also grabbed the shotgun from

1 behind there at the same time.

2 Q. Okay. And did you walk outside at that point?

3 A. After I grabbed two bags off of the bed and then I
4 walked outdoor -- walked outside shortly after that, after
5 scrambling around the room a little bit more.

6 Q. Okay. And what happened when you went outside?

7 A. When I walked outside? I walked outside and I went to
8 go open the truck door. Because my -- the way my vehicle
9 was sitting I had the two bags in my hand, the shotgun in my
10 hand. And I went to go use one hand and kick the handle
11 open to release the door. And when I released the door I
12 used the other hand to kind of swing the door open.

13 Q. Okay. And what happened?

14 A. The shotgun went off.

15 Q. Okay. Is that the first time that you -- is that the
16 time that you realized the gun went off?

17 A. Yes, sir.

18 Q. What did you do at that time?

19 A. It scared me. It scared me.

20 Q. Did you -- when did you realize -- did you realize
21 Melinda Ford was outside?

22 A. No, because during that time -- before I even went out
23 there she had already left out of the room. I didn't know
24 where she was at. You know, I didn't know that she even
25 went outside before I did.

1 Q. Okay. And once you -- once the gun went off what did
2 you do at that point?

3 A. I dropped the bags. Because I had the bags and stuff
4 in my hand. I dropped the bags. And after that I started
5 walking away back towards the step. And then that is when
6 Melinda called my name.

7 Q. And did you go over to her at that point?

8 A. I went over to her.

9 Q. What did you do when you went over to her?

10 A. She was lying on the ground.

11 Q. Did -- did you speak to her in any way?

12 A. Yes, I talked to her. I asked her what was she doing
13 on the ground. And that's when she acknowledged to me that
14 she had been hit by when the gun had discharged.

15 Q. And what did you do at that point?

16 A. I dropped -- I dropped -- I dropped. I went down to
17 her. I tried to pick her up off of the ground. And when I
18 tried to raise her up she said no put me back down. She was
19 in pain. She was like no. So I laid her back down.

20 Q. Okay. What -- what did you do next?

21 A. I turn -- I actually tapped on the side of the trailer
22 like two times and I called Kadasha's name like twice. She
23 never came right immediately out of the house.

24 Q. But did you see her come out at some point?

25 A. Yes, she did come out shortly after.

1 Q. Okay. Did you tell her anything when she came out?

2 A. She never asked anything. She just started hollering,
3 screaming.

4 Q. What did -- when she came back did you say anything
5 specific to her?

6 A. Yes, sir, I told her to go in the house and call for
7 help.

8 Q. And did she go back into the house?

9 A. She ran back into the house.

10 Q. And what did you continue to do at that point?

11 A. At that point it just seemed like my heart just
12 dropped, at that point. I mean I started crying. I started
13 getting emotional. Just seeing somebody I love on the
14 ground, you know, with a gunshot wound like that, I just
15 started crying.

16 Q. And what happened then?

17 A. I started walking away from her going back towards the
18 step. Kadasha then came back out of the house. And I told
19 Kadasha I said -- I hand -- I put -- held the gun out and
20 said Kadasha just shoot me.

21 Q. And she didn't shoot you?

22 A. No, sir, she didn't -- never -- she never touched the
23 gun.

24 Q. Okay. And what did you do at that point?

25 A. At that point looking at her and looking in her eyes,

1 seeing the hurt in her eyes, you know, I -- me and Kadasha
2 she was like a daughter to me. You know, she could always
3 talk to me when she had -- was going through problems. And
4 that just -- that just hit me real hard. And I just went
5 off to the side and I just pulled the trigger on myself.

6 Q. Okay. And what happened after you pulled the trigger
7 the first time?

8 A. I pulled the trigger. I shot myself. I got hit.
9 Melinda then yell out oh, no; oh, man; or something like
10 that she yelled out. And I had walked back over to where

11 she was lying on the ground and I explained to her what I
12 had done to myself.

13 Q. Okay. And what happened after that?

14 A. After that I still -- I still wasn't quite satisfied.
15 You know, I still was in a lot of pain hurting from what had
16 happened to her. I went and I shot myself again.

17 Q. Okay. How were you feeling at that point?

18 A. Well, the second shot really kind of took home.

19 ~~Because I was in a lot of pain from the second shot. I just~~
20 dropped the gun and went back over to her and I was just
21 holding her leg. And at that point talking to her. But I
22 noticed that there wasn't really no tension to her leg, like
23 she didn't have no feeling in it.

24 Q. Okay.

25 A. And I just laid there by her, crying, right there on

1 the ground by her, talking to her.

2 Q. Okay. And then what did you do after that?

3 A. And that by this time -- I think Kadasha and the
4 neighbor somehow connected together and they -- they were
5 calling for help. Everybody was calling to help on the
6 phone, calling different people.

7 And after that my mind just went like if her relatives
8 come over here and see something like this being the fact
9 that nobody never asked me what happened if they came over
10 and saw something like that -- and I knew a lot of those
11 guys from the street and they live just blocks away. They
12 are all in one little circle. I said to myself they are not
13 going to come over here asking questions.

14 Q. So what did you do?

15 A. I then -- I stood there for a minute. I thought about
16 it and I said to myself the best thing for me to do is to
17 leave. Because if they come over here, I felt like I would
18 be in harm if they came over there. Because a lot of those
19 guys carry guns. And I know them, you know, pretty fairly.

20 Q. And where -- what did you do at that point?

21 A. I threw -- had bags in the way that are going to stop
22 me from getting into the truck. I threw some of the stuff
23 on the ground. I got in my vehicle. I went to the back
24 where Melinda was laying. And it's a telephone pole that
25 sits in the back. And I made a U-turn and I came back out

1 of the driveway and went back onto the main highway.

2 Q. Did you hit anything on the way back out?

3 A. Yeah, I rolled over one of the garbage bags that had my
4 clothing in it.

5 Q. Now when you left where were you going to go?

6 A. I was going -- my -- my thing was I was going to my
7 aunt's house who lived right there in Island Estates right
8 in Island Estates on Johns Island.

9 Q. Okay. And why did you want to go there?

10 A. I felt safe if I were to go there and for everybody to
11 just come there and assist me or whatever they were going to
12 do from that point.

13 Q. Okay. And were you scared at that point?

14 A. Yes, sir.

15 Q. When you were driving did you notice policemen along
16 the way?

17 A. Yes, but once I got fairly far down the road there was
18 a cop that came and he -- the cop then spotted me and then
19 he went up and turned around and came behind me.

20 Q. Okay. And then you remember seeing anybody -- any
21 other officers along the way?

22 A. Yes, sir. As he got up behind me and put on his lights
23 behind me there was another police car that sit off to the
24 left on the side of the road.

25 Q. Okay. And what was that officer doing?

1 A. That officer had his door, his driver's side door, open
2 with his gun pointed directly in my face as I was passing
3 by.

4 Q. Okay. So where did you -- where did you go -- where
5 did you end up ---

6 A. I ended up -- I ended up going to a little subdivision
7 called Dunmovin which is just right across the street from
8 Island Estates.

9 Q. Okay. And did you drive through the park there?

10 A. Yes, sir, I did drive through the park.

11 Q. And did you crash through a couple of fences?

12 A. Yes, sir, I did.

13 Q. And eventually your vehicle stops; is that right?

14 A. Yes, sir.

15 Q. Okay. What did you do?

16 A. I then got out of the vehicle and left the vehicle.

17 Q. Okay. And where did you go?

18 A. I went into a house that was under new construction.

19 Q. And where inside the house did you go?

20 A. I went to multiple rooms. I went upstairs in the house
21 and I went to two different rooms, maybe three rooms. I
22 went to the first room where I could see the street in front
23 of the house, and I went -- also went to the rear bedroom
24 where I could see the softball field behind me.

25 Q. Okay. And what did you see in the softball field?

1 A. I saw a bunch of cops in the softball field.

2 Q. Okay. And did you think about turning yourself in at
3 that point?

4 A. Yeah, I wanted to; but yeah, but it was too many of
5 them to say I was going to turn myself in.

6 Q. Were you scared about that?

7 A. Yes, sir.

8 Q. Now how long did you stay in the house?

9 A. I don't remember, but it was a long period of time.

10 Q. Okay. And eventually what did you do?

11 A. Eventually after the cops that were in front of that
12 house that was under new construction after they left and I
13 paid attention to the softball field I saw a lot of them
14 start leaving out and there was one car left in the field.

15 Q. Okay. Is that the time that you walked out?

16 A. Yes, sir.

17 Q. Okay. And did the officers order you to the ground?

18 A. Yes, sir.

19 ~~Q. And did EMS eventually come and pick you up?~~

20 A. Yes, sir.

21 Q. When you first got on the ground what did you tell the
22 officers?

23 A. He asked me -- I told him I had been shot.

24 Q. Okay. Did you tell him where you had been?

25 A. Yeah, I told him where I was at. Because he asked me

1 where were you. And I told him where I was at.

2 Q. Okay. Do you remember -- do you remember the ambulance
3 ride?

4 A. When they arrove (ph)?

5 Q. No, do you remember riding in the ambulance from
6 Dunmovin to MUSC?

7 A. Yes, sir.

8 Q. Okay. And you eventually got to MUSC; is that correct?

9 A. Yes, sir.

10 Q. Okay. And what do you remember from MUSC?

11 A. The only thing I really do remember is when I got there
12 they started cutting the clothing off of me, and I was out
13 after that.

14 Q. Okay. And since this time have you had other
15 surgeries?

16 A. Yes, sir, the first surgery was performed that night.
17 And then the next time they had to rush me back into surgery
18 again.

19 After I was released from MUSC I went down to Al Cannon
20 Detention Center where I was placed in the infirmary for a
21 while. Maybe a week after being out of the hospital I had
22 to be rushed back down there again for another surgery.

23 Q. And let's go back just a little bit. I just want to
24 talk about one other thing. When you went outside you said
25 you were carrying a couple of bags and a gun; is that

1 correct?

2 A. Yes, sir.

3 Q. And you indicated that you knew the gun was loaded?

4 A. Yes, sir.

5 Q. Did you think that was safe?

6 A. No, sir, I didn't think it was safe; but during --
7 because it was so -- a long period. You are talking about
8 between January 1st and February 16th it had just slipped my
9 mind that the gun was even loaded. Because I don't normally
10 have loaded shotguns in a home.

11 MR. SMITH: Beg the court's indulgence.

12 I have no further questions at this time.

13 THE COURT: Cross-examination.

14 MS. SHEALY: May it please the court.

15 **CROSS-EXAMINATION BY MS. SHEALY OF TIMOTHY WRIGHT:**

16 Q. You don't normally leave that shotgun loaded?

17 A. No, ma'am.

18 Q. But you are telling this jury that just happened to be
19 the time that you left it loaded; is that correct?

20 A. No, ma'am, I am not saying that just happened so to be
21 the time that it was loaded. Due to the circumstances, like
22 I was telling them before, the last day of hunting season I
23 was chasing down dogs that had got out of the property. I
24 put the gun behind the seat of the vehicle and I left it
25 there. And there was a ton of other things going on that

1 afternoon, and it just slipped my mind that that gun was
2 still loaded.

3 Q. It just slipped your mind?

4 A. Yes.

5 Q. How old is Davion? How old was he?

6 A. I think Davion during that time maybe five or six.

7 Q. So you brought a loaded shotgun and tucked it into a
8 closet?

9 A. Yes, ma'am.

10 Q. And from that day forward until February 16th, 2013,
11 you just forgot you had a loaded shotgun in that woman's
12 house?

13 A. Yes, ma'am.

14 Q. That wasn't the only gun you had in that house, was it?

15 A. No, ma'am.

16 Q. You had a Remington 700 rifle as well, didn't you?

17 A. Yes, ma'am.

18 Q. And you had a Benelli shotgun, 12-gauge, in that house
19 as well; didn't you?

20 A. Yes, ma'am.

21 Q. Did you tuck those in that same closet?

22 A. Yes, ma'am.

23 Q. Didn't take those out that day, did you?

24 A. No, for the simple fact that those were in gun cases
25 and they were newer guns. That gun right there was what we

1 call as a bush gun. We use that gun to drive dogs with.
2 That gun is so raggedy there's no need to put it in a case
3 and tuck it away. And that was the gun that I was using on
4 that day.

5 Q. You left that shotgun in the car that day, did you
6 not; in your truck?

7 A. No, ma'am.

8 Q. But you're going to tell this jury that when you're
9 gathering your items you chose to take the raggedy gun out
10 first?

11 A. Yes, ma'am, because I don't know if you would have any
12 experience with hunting, but the Remi- -- I had a rifle, a
13 270 high-powered rifle. Rifles carry scopes on them. It
14 takes the least little bump to knock a scope off. So that
15 would have been the last item I would have placed in the cab
16 with me so that the scope wouldn't get knocked out of
17 place -- out of whack.

18 Q. What I am asking you is this: That shotgun was in that
19 truck that day, was it not?

20 A. No, ma'am, it sure not -- it wasn't.

21 Q. But you are going to tell this jury when you are making
22 a choice of what weapons you take out of that home you just
23 happen to take the raggedy shotgun one out?

24 A. I'm telling you that's the gun I choose to put to the
25 bottom and threw all the stuff on top of. That was my plan

1 to throw all the stuff on top of the raggedy gun and not on
2 top of the good gun.

3 Q. How long have you been a hunter?

4 A. I've been hunting for probably like twenty years --
5 twenty something years.

6 Q. And would you consider yourself safe with guns?

7 A. Yes, ma'am.

8 Q. So you want this jury to believe that on the afternoon
9 that you and Melinda Ford have a conversation that makes you
10 result in knowing you better get out of there that on that
11 day, that day, you are not safe with a weapon?

12 A. Well, like I said, I didn't recall -- at that point I
13 didn't recall that gun being loaded. It shocked me when it
14 went off.

15 Q. It shocked you?

16 A. Yes, ma'am.

17 Q. Did you start screaming out there it was an accident?

18 A. No, ma'am. I was more concerned about what was going
19 on with her.

20 Q. You were more concerned -- and you're telling this jury
21 that when Melinda Ford's right lung had been damaged, her
22 ribs had been broken, her spine had been injured, her liver
23 had been lacera- -- macerated, that she is talking to you
24 out there?

25 A. Yes, ma'am.

1 Q. Kadasha came out immediately upon that shotgun going
2 off, did she not?

3 A. No, she did not.

4 Q. And when she came out -- this is the gun; right, Mr.
5 Wright?

6 A. Yes, ma'am, that is the gun.

7 Q. When she came out there, the 15-year-old at the time,
8 you had this weapon; you had it down on Melinda going huh,
9 huh; isn't that true?

10 A. No, ma'am, that is not the truth.

11 Q. So Kadasha is a liar?

12 A. Well, she is a liar; because I did not have the gun
13 pointed on Melinda saying huh, huh, huh.

14 Q. Showing you what has been marked as State's Exhibit 25.
15 You didn't say anything to Mr. Smith about your ammunition
16 bag, did you?

17 A. He knows about all that.

18 Q. He knows about it?

19 A. Yes.

20 Q. It was on the ground, was it not?

21 A. I don't know where it was. When I left ---

22 Q. Look at the picture.

23 A. It is on the ground ---

24 Q. It is on the ground, is it not?

25 A. It is on the ground now.

1 Q. What had been taken out of it; your ammunition belt; is
2 that correct?

3 A. Ma'am, I normally don't keep it in that belt. Because
4 if you have ever hunted and had a belt on you when you are
5 running behind dogs the bottom of the shell tends to push
6 out of that belt. So I stopped using that belt a long time
7 ago.

8 You can't run with those belts on because your
9 ammunition is going to drop to the ground. Every time you
10 are running it squeezes against your waist or stomach, it
11 slides the shell to the top.

12 Q. The shell casings that you loaded into that shotgun
13 that afternoon came out of this ammunition belt, did it not?

14 A. No, ma'am.

15 Q. You have had a long time to think about all this stuff;
16 haven't you, Mr. Wright?

17 A. Ma'am?

18 Q. You have had a long time to be thinking about all this
19 stuff, haven't you?

20 A. Of course I've thought about the whole incident. I
21 think about it every day.

22 Q. A little late for remorse now, wouldn't you say?

23 A. I've been showing remorse since day one.

24 Q. Well, when you were showing remorse why didn't you get
25 your phone and call 911?

1 A. Because I had already told Kadasha to go called 911
2 because I had just given (ph) her a phone right before I
3 left out of the house. I just gave her a phone.

4 Q. And when ---

5 A. And I didn't have my phone on me during that time.

6 Q. So you left it up to Kadasha to handle the situation?

7 A. She came out and I told her to go back in the house and
8 call for help, yes, ma'am, I did.

9 Q. Mr. Wright, you were how old at the time?

10 A. Thirty-four I think. Something like that.

11 Q. A 34-year-old man, hunter who had just shot her mother
12 in the back, and she was going to attend to getting help;
13 you wanted to leave that in her control?

14 A. To call for help, yes, ma'am.

15 Q. And you to hold up the weapon to a 15-year-old and say
16 shoot me?

17 A. Yes, ma'am, I did tell her that.

18 Q. It was a little late to feel sorry at that point, was
19 it not?

20 A. No, ma'am, it wasn't late to me to feel sorry. I felt
21 sorry when I saw Melinda on the ground. I just couldn't
22 take it. I never harmed her before in my life. We had a
23 good relationship.

24 Q. Well, you are saying you had a good relationship.

25 A. Yeah.

1 Q. But what you told Mr. Smith was she came in frustrated
2 about people talking about you; is that right?

3 A. I said we had a good relationship. And that was just,
4 just a little verbal disagreement.

5 Q. And that little verbal disagreement involved her
6 running into her cousin Isis that day; is that right?

7 A. I don't know what it -- that -- I don't know nothing
8 about Isis or her talking to Isis. She didn't tell me
9 anything about that.

10 Q. You know Isis, don't you?

11 A. I do know Isis.

12 Q. Isis doesn't care for you too much, does she?

13 A. I don't know if she does or not. I mean from my --
14 from my knowledge me and her never had a problem. We danced
15 in the club just recently together. She didn't acknowledge
16 that she had a problem with me.

17 Q. Y'all danced in a club?

18 A. Yes, sir -- yes, ma'am. Excuse me.

19 Q. That's okay. Well, you had a letter in your glove box,
20 didn't you?

21 A. Yes, ma'am.

22 Q. And why did you put it in your glove box?

23 A. Melinda actually gave it to me because one of her
24 daughters I think actually got it out of the mailbox.
25 Melinda read it. When I came back to the house that

1 afternoon Melinda showed it to me. And she gave that ---

2 Q. That afternoon?

3 A. No, not that afternoon. That letter had been there
4 probably a month or so before then, before this incident
5 even occurred. I know it was weeks or a month before this
6 incident even occurred.

7 Q. So some things had been brewing, some problems with
8 y'all?

9 A. We didn't have any pro- -- other people had a problem
10 with us.

11 Q. Other people, people who were looking out for Melinda's
12 interest?

13 A. If that is the way you want to put it.

14 Q. Well, that's the way it was, wasn't it?

15 A. No, ma'am, it was not.

16 Q. Showing you what has been marked as State's Exhibit 173
17 for ID purposes. Is that the letter?

18 A. Yes, ma'am, this would be the letter.

19 ~~Q. Okay. And it was in your glove box?~~

20 A. Yes, ma'am.

21 MS. SHEALY: Your Honor, at this time I would offer
22 State's 173.

23 THE COURT: One seventy-three. Any objection?

24 MR. SMITH: No objection.

25 THE COURT: All right, 173 admitted without objection.

1 (WHEREUPON, State's Exhibit Number 173 was admitted into
2 evidence.)

3 Q. How is this letter signed? Who does it say it is from?

4 A. It just say concerned citizen to the bottom.

5 Q. Okay. And is it fair to say that Melinda was upset
6 when she read this?

7 A. No, ma'am, she was not upset when she read it because
8 she had already knew where -- she had already had an idea of
9 where it came from and who sent it to her.

10 Q. Well, you indicated that y'all had had a good
11 relationship?

12 A. Right.

13 Q. And then it started -- problems started happening
14 because people kept talking to her about you; ---

15 A. Well ---

16 Q. --- is that correct?

17 A. No problems kept happening. She just -- she just kept
18 getting frustrated when people would come to her about it
19 and she would get angry and want to go and confront the
20 person who is saying whatever they are saying. But I always
21 would tell her there is no need for it.

22 Q. Well, this letter involved your wife; is that correct?

23 A. Yes ---

24 Q. Mentioning your wife?

25 A. Yes, ma'am, that's

1 Q. And how you left your wife?

2 A. Yes, ma'am.

3 Q. And how you try to spoil the kids of the women you
4 date?

5 A. I don't consider it spoiling. I'm not going to
6 mistreat anybody's kids. I don't mistreat mine, and if I'm
7 in a relationship with you I'm going to treat your kids just
8 as well as I treat mine. Good as just like I treat mine. I
9 am not going to treat them no differently.

10 Q. Well, let me ask this: Melinda found out about a child
11 that you hadn't told her about; is that correct?

12 A. She never mentioned that to me.

13 Q. How many children do you have?

14 A. I have four.

15 Q. And one of the children's mother is Chica Lockwood?

16 A. Yes, that's

17 Q. Mimi Davis is the mother of how many?

18 A. She is the mother of two.

19 ~~Q. And who is the mother of the other child?~~

20 A. Latasha.

21 Q. Latasha who?

22 A. Brown.

23 Q. And where does Latasha Brown live?

24 A. Latasha she lives right off of - what is it - River
25 Road.

1 Q. So would you agree that Melinda got upset when she
2 realized that you had a child that lived so close to her?

3 A. Melinda had already knew about that child.

4 Q. Okay, Mr. Wright. But you are telling us on this day,
5 on that Saturday, you made the decision you should leave?

6 A. Yes, ma'am, I did.

7 Q. Had Melinda asked you to leave early in the day?

8 A. No, ma'am, she never asked me to leave.

9 Q. When you went outside to take some of your bags out
10 there you took two black bags out; is that correct?

11 A. That's correct.

12 Q. One was still on the ground and one was at the truck?

13 A. When, when the incident occurred?

14 Q. Yes.

15 A. Well, both were in my hand.

16 Q. They were both in your hands?

17 A. Yes, ma'am.

18 Q. So you have seen the photographs of the black bag that
19 is with the truck after you fled the police; is that
20 correct?

21 A. Yes, ma'am.

22 Q. So are you telling this jury that when the incident
23 occurred and after you left Melinda dying on the ground you
24 thought enough to pick up one bag of clothes and put it in
25 the truck with you?

1 A. That was the bag that was sitting right there on the
2 floor right there when I -- as I was opening the door to get
3 into the truck I actually would have had to step on that bag
4 to get inside of the truck.

5 So, yes, ma'am, I did take -- pick that bag up and I
6 threw it onto the passenger side.

7 Q. Because at that point you were thinking about your
8 clothes and getting out of there; is that correct?

9 A. No, ma'am, that was not the case. If that was the case
10 I would have went inside of the house and grabbed all of my
11 clothes.

12 Q. When you went outside and had your ammunition bag, had
13 the shotgun, you loaded it, you racked it, you took your
14 stance, and you shot her square in the back; did you not?

15 A. No, ma'am, I did not.

16 Q. This was just some flucky accident; is that what you're
17 saying?

18 A. It was an accident.

19 Q. ~~And what all did you have in your hands, did you say?~~

20 A. I told you I had my trash bags and all that in my hand
21 and the shotgun.

22 Q. And the shotgun?

23 A. Yes, ma'am.

24 Q. And you're telling this jury that is how you chose to
25 walk out of the house?

1 A. Yes, ma'am.

2 Q. And the gun just somehow happens to point to the back
3 of Melinda as she is going to the car to take the Chinese
4 food home to her mother?

5 A. Well, first of all, I never knew about the Chinese
6 food. I never knew she was leaving back out the house to go
7 to her mother's house in the first place. That discussion
8 must have went on between her and Kadasha when they were in
9 the back room.

10 And yes, it did accidentally go off being that the
11 hanger -- because I had all of my clothes on a hanger. One
12 of the hangers snagged the trigger as I was swinging the
13 door open.

14 Q. Oh, I'm sorry, I didn't understand that. A hanger did
15 it?

16 A. Yes, ma'am.

17 Q. A clothes hanger killed Melinda Ford?

18 A. I mean if you want to put it that way.

19 Q. Well, that is the way you're putting it; isn't it?

20 A. I didn't pull the trigger myself so.

21 Q. You didn't pull the trigger?

22 A. No, ma'am.

23 Q. Now showing you State's Exhibit 20, you recognize
24 Melinda's keychain do you not?

25 A. Yes, ma'am.

1 Q. And do you see the little jar that she had the wine in?

2 It is a little difficult to see, on Number 4.

3 A. Well, I never saw her that afternoon with wine.

4 Q. You didn't see her with it?

5 A. No, ma'am.

6 Q. But you would agree that that is by her car?

7 A. Yeah, that looks like a wine glass that she would
8 normally use in the house.

9 Q. Well, tell the jury when she screamed no were you
10 pointing the gun at her already?

11 A. She never screamed no, ma'am.

12 Q. She never screamed no?

13 A. No, she did not.

14 Q. So the way you are describing this is the coat hanger
15 killed her. Kadasha sits in the house for a while, doesn't
16 come out when she has heard a shotgun blast that drew the
17 attention of Leonard Maxwell?

18 A. He didn't come out of the house immediately either.

19 Q. But he was looking at --- off the porch?

20 A. Well, if he did, I didn't see him. I wasn't looking
21 for nobody ---

22 Q. I just want to make sure I understand, Mr. Wright. So
23 Kadasha who says she hears her mother scream no, so much
24 that she jumped, stays in the house for a while after
25 hearing a shotgun blast; because this is when you are saying

1 you're having a conversation with the woman whose lungs have
2 been injured, ---

3 A. Yes.

4 Q. --- where all those pellets have gone through her, with
5 her liver macerated, bleeding to death, you are carrying on
6 a conversation, loving on her; is that what you said?

7 A. I wasn't loving on her.

8 Q. Well, didn't you say you were rubbing her or something?

9 A. No, I said I tried to lift her up. That is what I told
10 you, I tried to lift her up. And she told me no because she
11 was in pain, and I laid her back down.

12 Q. Gently, I'm sure.

13 A. Yes, of course.

14 Q. Gently. Of course. Of course. And you deny taking
15 that weapon and egging her on; hey?

16 A. No, ma'am.

17 Q. Kadasha, Kadasha is making that up?

18 A. Yes, ma'am.

19 Q. You saw Leonard Maxwell out there, right?

20 A. Eventually -- I don't know which ones -- two guys did
21 come. One of them came on the porch. The other one stood
22 in the doorway.

23 Q. Okay. And you had the opportunity to tell them oh my
24 God the coat hanger shot her; but you didn't, did you?

25 A. No, ma'am, I did not say that.

1 Q. You had Kadasha and those two guys right there that you
2 could have said help her, ---

3 A. Well, Kadasha ---

4 Q. --- help her.

5 A. Kadasha was screaming, so I didn't say much to Kadasha.

6 Q. You didn't say much to Kadasha?

7 A. No.

8 Q. And you didn't think enough to go get that phone and
9 try to get some help?

10 A. It would have been quicker and more convenient for her

11 to grab the phone because she was more closer to the porch
12 to get into the house.

13 Q. Okay. I just want to make sure I understand then. You
14 have got plenty of time to think it through; huh, should I
15 get my phone and call to get her assistance or no, you know,
16 what, it is more convenient for Kadasha to do it; that is
17 your thought process?

18 A. I wanted to stay by Melinda during that time. So I
19 ~~asked Kadasha to go call for help.~~

20 Q. Did you put pressure on her?

21 A. Ma'am?

22 Q. Did you put any pressure ---

23 A. I never saw ---

24 Q. --- on her chest?

25 A. --- any blood coming out of her, so I didn't know where

1 she actually got hit at.

2 Q. Okay. How did you know she was hit?

3 A. Because she said so herself.

4 Q. In that conversation?

5 A. Yes, ma'am.

6 Q. And instead of staying there and making sure that
7 Melinda Ford who took you into her home got help, you became
8 concerned about Kadasha's family and Melinda Ford's family
9 coming and hurting you?

10 A. Yes, ma'am.

11 Q. So I'm confused. You tried to -- you shoot yourself
12 twice ---

13 A. Yes, ma'am.

14 Q. --- because you are so sad about what happened?

15 A. Yes, ma'am.

16 Q. But you don't want to stay and get hurt by family
17 members; ---

18 A. Yes.

19 Q. --- is that correct?

20 A. Yes, ma'am. I stayed there for a good while. I didn't
21 just leave the scene. I stayed there for a while. But then
22 the EMS, police, everybody was taking too long to get there.

23 Q. Okay. So when Leonard Maxwell and Darren Ravenel were
24 outside and they were on the phone with 911 and when Kadasha
25 is on the phone with 911 you're just out there figuring out

1 your options?

2 A. No, ma'am, I was on the ground by Melinda.

3 Q. For that whole time?

4 A. Up until the point until I left there, yes, ma'am.

5 Q. You got the heck out of there after you shot yourself,
6 did you not?

7 A. No, ma'am, after I shot myself I laid on the ground
8 next to Melinda. I laid on the ground next to Melinda. I
9 did not leave after I shot myself.

10 Q. And you were just laying there while Kadasha is
11 frantically looking for a working phone?

12 A. Well, by this time I thought that she had already
13 called. I never -- so she never came out asking for a phone
14 or nothing. So I assumed that she had already called help.

15 Q. Okay. Well, so you didn't see Kadasha run over to
16 Darren Ravenel's and Leonard Maxwell's looking for a phone?

17 A. I was on the ground with Melinda. My back was turned
18 towards them.

19 ~~Q. Well, you said you'd didn't see her go get one so you~~
20 assumed that she had one?

21 A. Yes, ma'am.

22 Q. So you were making that assumption?

23 A. Yes, ma'am.

24 Q. The reason you shot yourself is you realized how much
25 you screwed up; isn't that true?

1 A. No, ma'am.

2 Q. You felt guilty for a minute until you started being
3 self protective; isn't that true?

4 A. No, ma'am.

5 Q. You're telling this jury that you take this shot- --
6 and how long have you had this shotgun?

7 A. I've had that shotgun for probably like maybe 16 years
8 or something that like.

9 Q. You take this shotgun, you kill the woman who you have
10 just been arguing with inside, and you're telling the jury
11 that you're sitting there figuring, huh, I'm going to kill
12 myself; no, I'm not going to kill myself; they might hurt
13 me. That all of that stuff is going on in your head?

14 A. Yes, ma'am, we were not arguing. Like I said, we were
15 having a discussion. There was no loud tone of voice. We
16 were having a discussion.

17 Q. Kadasha heard it.

18 A. I don't know if she -- she probably could have heard
19 it. What did she hear; I don't know.

20 Q. Well ---

21 A. Because we were not talking loud enough -- that's one
22 thing we never did; we never got in each other's face and
23 screamed at each other. We didn't do things like that.

24 Q. Mr. Wright, you came out of that room and you looked at
25 Kadasha and said I'm done. Isn't that true?

1 A. I told her that.

2 Q. And you were in such a hurry to get out of that house
3 that you took your clothes with the hangers still on them;
4 isn't that true?

5 A. I always do -- yes, ma'am, I do that.

6 Q. You always what?

7 A. Travel with my clothes on hangers, because sometimes I
8 hang them up in the vehicle.

9 Q. So you have got an answer for that too?

10 A. Yes, ma'am.

11 Q. And Leonard Maxwell, he called out to you when you put
12 the gun to yourself; did he not?

13 A. Yes, ma'am, I think someone -- I think he did it.

14 Q. Okay. And he said don't do it; but you shot yourself
15 anyway, right?

16 A. Yes, ma'am.

17 Q. And after you shot yourself you weren't flat on the
18 ground on your back, were you?

19 A. No, ma'am.

20 Q. In fact you were able to go to your truck, pick up one
21 of your bags of clothes, throw it in; in fact you ran to
22 your truck, did you not?

23 A. No, ma'am, I did not run to my truck.

24 Q. You walked?

25 A. Yes, ma'am, I did.

1 Q. And again, you said nothing to Leonard Maxwell about
2 this has been a terrible accident, please get Melinda help?

3 A. He had already -- they had already called for help.

4 Q. So again you leave it to Kadasha, leave it to Leonard;
5 and you are getting the heck out of there; is that correct?

6 A. To some point, yes, ma'am.

7 Q. You wanted to protect yourself pretty quick after this
8 thing happened, did you not?

9 A. No, ma'am, not pretty quick. But after I sat there and
10 thought about how the family members are - I know them. I
11 thought that it wouldn't have been good if they came over
12 there and saw something like that. And I thought for my
13 best interest it would be best for me to leave during that
14 time.

15 Q. So no question that your best interest was foremost to
16 you?

17 A. That wasn't foremost, because if that was the case I
18 would have left immediately.

19 Q. You were worried about yourself more than you were
20 worried about Kadasha, dealing with her mother?

21 A. No, ma'am, that was not the case.

22 Q. When you got in that vehicle and that phone was right
23 beside you did you call the police?

24 A. The phone actually was not right right beside me when I
25 got into that vehicle.

- 1 Q. Where was it?
- 2 A. It was underneath the bag.
- 3 Q. Not on the console?
- 4 A. No, ma'am. I placed it on the console.
- 5 Q. Later?
- 6 A. As I was driving. Because I was looking for it and ---
- 7 Q. Okay.
- 8 A. --- I placed it ---
- 9 Q. Okay.
- 10 A. --- on the console.
- 11 Q. Okay. Well, no question though that as you take a left
- 12 back onto Bohicket Road you had access to a phone; ---
- 13 A. No ---
- 14 Q. --- is that correct?
- 15 A. No, ma'am. After I got back onto Bohicket Road I went
- 16 past River Road and I'm driving down. I was fidgeting as I
- 17 was driving looking for the phone. And finally I stuck my
- 18 hand on the dri- -- passenger side seat where the bag was,
- 19 ~~and I --- and the phone was sitting underneath the bag. And~~
- 20 that is when I then set and placed it on the arm rest. And
- 21 shortly after that, that is when the police car was
- 22 approaching in the opposite lane coming towards me.
- 23 Q. Why didn't you pull over for them?
- 24 A. Why didn't I pull over for them?
- 25 Q. Yeah, why didn't you pull over?

1 A. When he turned around and got behind me I actually did
2 pump my brake. I was about to pull over. But then also
3 another cop car that sat off to the left of the lane and he
4 actually had his gun pointed at me, and that scared me and I
5 just didn't stop.

6 Q. Well, this mysterious police officer you're saying that
7 he just was out of his vehicle with a gun on the side of the
8 road before you ever even approached there?

9 A. Yes, ma'am.

10 Q. And he just had a gun and it was pointed at your face
11 as you rode by?

12 A. Yes, ma'am.

13 Q. When you drove down that road you were willing to
14 endanger the lives of the people who were driving down that
15 road ahead of you, were you not?

16 A. No, ma'am.

17 Q. You didn't care about whether they had to pull over
18 where there was no shoulder, did you?

19 A. Well, they didn't actually have to pull -- they pulled
20 over because of the police car behind me. A lot of people
21 were thinking that he was actually trying to get around, I'm
22 assuming, and they start pulling over to the shoulder. But
23 I was not speeding at that point to harm anybody or endanger
24 anybody.

25 Q. But you admit you were speeding?

1 A. No, ma'am. I was doing like 40, 45 miles an hour; if
2 you consider that as being speeding.

3 Q. You admit that you went over in the left-hand lane to
4 avoid other cars that were trying to slow you down -- that
5 weren't trying to, but were slowing you down; is that fair
6 to say?

7 A. Yeah, I did swerve around a few cars.

8 Q. And again, never made a phone call when all of that was
9 happening?

10 A. How could I make a phone call when I am focusing on the
11 traffic in front of me, a cop car behind me. There is no
12 time to look down to dial a number to call for any help or
13 anything.

14 Q. Okay. So again, about these injuries to yourself, you
15 were able to drive a car fast; correct?

16 A. I drive the car at a normal speed.

17 Q. At a normal speed. And you were able to get around
18 vehicles that were ahead of you?

19 A. Yes, ma'am.

20 Q. And you were able to think a bunch of thoughts in your
21 head about what would be best about such and such as you
22 were doing this; is that correct?

23 A. No, ma'am, all just came to me as I was going.

24 Q. As you were going. When you got out of the truck --
25 well, first of all let's talk about that bump you hit. When

1 you went over that railroad tie that didn't slow you down,
2 did it?

3 A. See, I didn't know -- I -- I'm pretty familiar with
4 that area, and I haven't been in that area in about a year
5 or so. And you used to could have just drive right through
6 that little path to get to the softball field. I was
7 unaware that that thing was even lying down there.

8 Q. Oh, I don't doubt that you didn't know that it was
9 there. But it didn't slow you down and make you think maybe
10 I should stop; is that correct?

11 A. Yeah, it did. But I also lost control of the vehicle.
12 Once I went up in the air and came back down I lost control
13 of the vehicle. The vehicle then spin around and all I
14 could see is cop cars coming.

15 Q. Well, now the cop cars weren't there, were they?

16 A. They start approaching from different angles. Tried I
17 guess to barricade me in or whatever they were trying to do.

18 Q. So even with the shot you were able to maneuver your
19 truck over one wire fence; is that correct?

20 A. Yes, ma'am.

21 Q. And you went through that baseball field. You were
22 getting out of there as fast as you could, were you not?

23 A. I was getting -- I was moving -- I was getting out of
24 there fast. But I was planning on getting away from the
25 cops to safety.

1 Q. Getting away from the cops to safety?

2 A. Yes, ma'am.

3 Q. You didn't leave Melinda Ford in a very safe position,
4 did you?

5 A. No, ma'am, she wasn't safe with the gunshot wound, no,
6 ma'am.

7 Q. And when you got out of that truck you were able to get
8 out of there and get to a house before the police could get
9 to you; is that correct?

10 A. Yes, ma'am.

11 Q. And you were in that house until you saw that most of
12 the police had gone; is that correct?

13 A. Yes, ma'am.

14 Q. But you would agree that your instincts after your
15 initial one of guilt was to protect yourself; is that
16 correct?

17 A. Well, I mean I felt guilty due to that fact that this
18 accident occurred, you know, basically upon me with the

19 ~~clothes traveling out of the house and the gun went off.~~ So
20 yeah, I did feel some guilt about that.

21 Q. With the clothes traveling out of the house and the gun
22 going off?

23 A. Yes, ma'am.

24 Q. You loaded the gun and racked it and shot it, did you
25 not?

1 A. No, ma'am, I did not.

2 Q. But you will agree that you fled and you fled and you
3 fled; is that correct?

4 A. Yes, ma'am.

5 Q. Now you have mentioned to us who Chica Lockwood was; is
6 that correct?

7 A. Yes, ma'am.

8 Q. And she is the mother of one of your children?

9 A. Yes, my oldest daughter.

10 Q. And you would agree that she went to go see you when
11 you were in jail; is that correct?

12 A. Yeah, she came -- she came and saw me on several
13 different occasions.

14 Q. And she had asked you what happened that night?

15 A. No, she never asked me what happened.

16 Q. Chica Lockwood never asked you what happened?

17 A. I don't recall her asking me what happened.

18 Q. Well, you sure didn't tell her; did you?

19 A. No, I sure didn't.

20 Q. Going back for a second, when you came out of the woods
21 and you're approaching that one police officer, Matt
22 Colburn, tell the jury when you approached him did you say
23 I've got to tell you what happened, it was an accident; did
24 you tell Matt Colburn that?

25 A. I did -- I did told -- told one of the officers it was

1 an accident. And when he asked me did I -- was I hurt, and
2 I did told him I was shot.

3 Q. So you are now saying that you told an officer it was
4 an accident?

5 A. Yes.

6 Q. When EMS showed up did you tell them that there had
7 been this horrible accident?

8 A. No, ma'am, I did not.

9 Q. You didn't tell EMS that?

10 A. No, ma'am.

11 Q. You didn't tell Chica Lockwood?

12 A. No, ma'am.

13 Q. Now Nori Banks, she had worked with you at Dunkin
14 Donuts?

15 A. Yes, she has.

16 Q. And she came to see you about 15 times while you were
17 in jail; is that correct?

18 A. Probably. She came a lot of times to see me. So
19 ~~that's probably right.~~

20 Q. And she asked you what happened that night?

21 A. If I'm not mistaken I think she did ask me.

22 Q. And you didn't tell her, did you?

23 A. I don't -- I don't recall.

24 Q. I don't recall. Here is someone you had worked with
25 who took time out of her days at least 15 times to come see

1 you and you never told her about the great accident?

2 A. No, ma'am. Not to my knowledge I don't recall telling
3 anybody about the accident.

4 Q. You didn't tell anybody about the accident?

5 A. Other than the officer who asked me when I came out of
6 the woods.

7 Q. I just wanted to make sure I heard you correctly. You
8 told no one about the accident ---

9 A. Other than ---

10 Q. --- except that officer?

11 A. Yeah, I don't recall telling anyone else the incident.

12 Q. Even your visitors?

13 A. No.

14 Q. And Tamika Smalls, you dated her before you dated
15 Melinda; is that correct?

16 A. That is correct.

17 Q. She asked you what happened that night; didn't she?

18 A. I don't think she ever asked me what happened.

19 Q. Did you tell her?

20 A. No, ma'am, I did not.

21 Q. Now Jodie Grant came to see you once, right?

22 A. I think he actually came twice.

23 Q. Okay two times. And you have known Jodie since y'all
24 were little boys; is that correct?

25 A. That's correct.

1 Q. And y'all hunted together?

2 A. Yes, ma'am.

3 Q. And he asked you what happened that night?

4 A. He did ask me.

5 Q. And he actually put some money in your canteen at the
6 jail; is that correct?

7 A. That's correct, he did.

8 Q. And when you're in jail you have to have someone agree
9 to pay for calls from the jail; is that correct, so that you
10 can call him from the jail?

11 A. Yes, ma'am.

12 Q. And Jodie Grant did that for you; is that correct?

13 A. Yes, ma'am.

14 Q. And you told him, did you not, I messed up, ---

15 A. No, ma'am.

16 Q. --- I messed up?

17 A. No, ma'am, I ---

18 Q. You did not tell Jodie Grant that?

19 ~~A. I don't recall telling Jodie Grant that I messed up.~~

20 Q. Well, he stopped having anything to do with you, didn't
21 he?

22 A. His minutes ran out. Because he works -- he does
23 landscaping work, and when it rains he is not able to work.
24 So he might only work two or three days out of the week. He
25 didn't have the funds to continue to place minutes on the

1 phone.

2 Q. And that's why he didn't come see you -- I mean that's
3 why he, you never saw him again and you never spoke to him
4 again?

5 A. He came by -- like I said, he came by like twice. And
6 I think I talked to him through someone else once.

7 Q. And you didn't tell him about the accident?

8 A. No, ma'am.

9 Q. You were friends since you were children?

10 A. Yes, ma'am.

11 Q. Your friend who knew that you were in jail on a murder
12 charge?

13 A. Yes, ma'am.

14 Q. You didn't think to share with him what you're telling
15 this jury today?

16 A. No, ma'am, I didn't think to share with him due to the
17 fact that those phones do record and I was advised not to
18 discuss my case or what was going on in the matter to anyone
19 over those phones. And it indicates that to you when you
20 are placing a call saying the call is being recorded.

21 Q. Well, what about when he saw you twice?

22 A. I never -- I never said anything to him.

23 Q. You never said anything about it to him?

24 A. No.

25 Q. And 16 days after you shot Melinda Ford you did have a

1 conversation from the jail with Chica Lockwood, didn't you?

2 A. Yes, ma'am.

3 Q. And during that conversation --

4 MS. SHEALY: Beg the court's indulgence just a moment.

5 Q. During that conversation you told her -- and that was
6 on March 4th; is that correct? Do you remember that?

7 A. I don't remember the exact date of the conversation.

8 Q. But you would agree it was about 16 days after Melinda
9 Ford was killed?

10 A. I don't remember how many days after. But I do recall
11 talking to her on the phone.

12 Q. And you told her: If God make a way for me to get out
13 of this situation - God make a way - I promise you, Chica, I
14 promise you, I promise you on my grave if I get out of this
15 situation right here you ain't messing with nobody; I've
16 been gonna marry you. I gonna let the shit go this far and
17 you're gonna see a whole different Timmy. I ain't going to
18 let it slip. And you run across my mind like I say before.

19 ~~You just been running across my mind. But you had your~~
20 stuff going on, and I had my stuff going on. It just ain't
21 been the right time. But as soon as I find a way to try to
22 get myself out of this situation right here -- and she tells
23 you, you've got to pray, Baby. I pray, you said, I get out
24 of this situation right here. And if I get out of this
25 situation I will be all right.

1 Is that right?

2 A. Yes, ma'am, I do recall that conversation.

3 Q. And you said: I promise you on my grave if I get out
4 of this situation right here you ain't messing with nobody;
5 I've been gonna marry you. Is that right?

6 A. Yes, ma'am, I do recall that.

7 Q. And with Melinda Ford dead on that afternoon when
8 Kadasha comes out and you're going huh, huh, huh, 16 days
9 later you are thinking of marrying a woman; is that correct?

10 A. Actually I wasn't thinking -- I think I over reacted
11 when I told her about the marriage part. But the reason why
12 I told her that was because due to the fact that I have been
13 in a car accident and I've had appendix taken out and no
14 matter what if I didn't have contact with her for months if
15 she heard that something was going on with me she was there
16 for me.

17 And that is what I told -- that's the reason for me
18 telling her those things. Because no matter -- she was
19 always there for me.

20 Q. Was always there for you?

21 A. Yes, ma'am.

22 Q. And this woman who was always there for you that you're
23 saying if I can get out of this I'm going to marry you, you
24 didn't think enough to tell her about the accident; is that
25 correct?

1 A. I did not discuss the case with her.

2 MS. SHEALY: Beg the court's indulgence just a moment.

3 THE COURT: Yes, ma'am.

4 Q. Mr. Wright, having been a hunter for the number of
5 years that you said, was there no safety on this shotgun?

6 A. Yes, ma'am, there is a safety on that shotgun.

7 Q. So did the coat hangers deal with the safety as well?

8 A. No, ma'am, like I -- like I had explained earlier, when
9 we went out -- when I went out -- we went out to stop the
10 dogs. If I'm on a deer stand and the deer crosses the

11 highway onto somebody else's property I'm ready -- I've got
12 the gun ready to be fired. So the safety is off. As I hear
13 the dogs getting closer I knock the safety off.

14 When the deer ran across the road that's when I put the
15 gun back in the vehicle so I can go on the other property
16 and get the dogs.

17 Q. So you have got an answer for that?

18 A. It is a truthful answer.

19 ~~Q. When your vehicle was parked that day you were facing~~
20 out; is that correct?

21 A. No, ma'am.

22 Q. You were not facing out?

23 A. No, ma'am.

24 Q. And you told us that Kadasha was like a daughter to
25 you?

1 A. Yes, ma'am.

2 Q. Now that phone that you got from Boost Mobile it wasn't
3 already ready to go was it?

4 A. Yes, ma'am.

5 Q. Oh, it was?

6 A. Yes, ma'am.

7 Q. It was ready to go?

8 A. Yes, ma'am.

9 Q. And so Kadasha who you felt like was a daughter to you,
10 you left her behind at the scene with her dying mother; did
11 you not?

12 A. I did leave them behind.

13 Q. And never told her it was an accident?

14 A. She was screaming and she -- I'm quite sure she didn't
15 want to hear anything on what I had to say during that point
16 in time. She was screaming. She was upset so.

17 Q. Wouldn't that have been the time to calm her down about
18 how it happened?

19 A. She was moving around. She -- not like she was in one
20 spot. She was bouncing around all over the place.

21 Q. Because she was 15 years old; is that correct?

22 A. Right.

23 Q. And you thought no more of the young girl that was like
24 a daughter to you to make that situation better for her;
25 isn't that right?

1 A. Yes, ma'am, I was -- yeah, I didn't think -- I was
2 thinking during that time to make it better; but then I was
3 also thinking about, you know, what if her family members
4 had came, what if they had came over there and tried to harm
5 me in the process of I'm talking to Kadasha and something
6 happened to her in that process also.

7 Q. Oh, wait a minute. Okay, I don't think you told us
8 that before. When you said that the family members were
9 going to come over there armed you thought they were going
10 to hurt Kadasha?

11 A. No, ma'am, that is not what I'm saying.

12 Q. Well, isn't that what you just said?

13 A. I'm saying in the process of me trying to calm her down
14 being that they could have tried to have got at me she could
15 have got hurt in the process also.

16 Q. So you were thinking all of that in the moments after
17 you shot Meinda Ford what the best way to handle that would
18 be; is that what you're telling the jury?

19 A. ~~Well, I did not shoot Melinda.~~

20 Q. It was an accident?

21 A. It was an accident.

22 Q. Caused by coat hangers?

23 A. Yes, ma'am.

24 Q. And this accident you never told to the ones who cared
25 about you; is that correct?

1 A. No, because I was instructed not to tell anybody -- I
2 didn't even tell my mother -- up until today this is the
3 first time my mother ever heard this story. And that is my
4 closest friend right there. And I never even told her about
5 it.

6 Q. You never -- you would rather her have sat there with a
7 murder warrant on you than to tell her, Mom, I've got to
8 tell you how it happened; that is what you're telling the
9 jury?

10 A. I did not discuss it with her.

11 MS. SHEALY: I have nothing further.

12 THE COURT: Re-direct.

13 MS. SHEALY: Yes, Your Honor

14 **REDIRECT EXAMINATION BY MR. SMITH OF TIMOTHY WRIGHT:**

15 Q. Just so we're clear about after the gun goes off when
16 you realize Melinda is hit, do you go over to her?

17 A. Yes, sir.

18 Q. Okay. And did you have the gun with you when you went
19 over?

20 A. I had dropped the gun like feets away from her maybe or
21 something like that.

22 Q. Okay. At any point were you ever pointing it at her or
23 holding it over her?

24 A. No, sir, up until the point where -- there was a point
25 one time when I had the gun near her but not pointed at her.

1 And that was after I shot myself the first time when I --
2 she yelled out, I went back over there. And I still had the
3 gun in my hand during that time holding it with one hand
4 like this (motioning). But pointing it directly at her, no,
5 sir, I did not.

6 Q. Okay. And what did you mean on that -- on that jail
7 call when you said when I get out of this situation?

8 A. What I meant was I am charged with a charge. I
9 understand that Melinda died and, you know, and I just -- I
10 just -- I don't feel like I should have been charged because

11 I didn't deliberately harm her. I didn't meant for any harm
12 to happen. It was an accident, so that's what I meant by
13 when I get out of this situation.

14 I'm in a situation where I'm charged at a higher charge
15 than I should actually be charged with.

16 Q. And who told you not to talk to anyone about the case?

17 A. The first -- the officer advised me not to talk to
18 anybody. I think it was a Detective Goldstein. And
19 ~~officers in the detention center also stated that I don't~~

20 need to talk to anyone about that case.

21 Q. And you decided not to talk to them?

22 A. Yes.

23 MR. SMITH: No other questions, Your Honor.

24 THE COURT: Any re-cross?

25 MS. SHEALY: Nothing further, Judge.

1 THE COURT: Okay. You may step down.

2 Do you want to call your next witnesses.

3 MR. SMITH: Your Honor, at this time the defense rests.

4 THE COURT: Madam forelady, ladies and gentlemen of the
5 jury, I need to hear certain motions at this time. I am
6 going to ask you to go to the jury room. Please don't
7 discuss the case amongst yourselves. I will get you back
8 hopefully shortly.

9 (WHEREUPON, the jury exits the courtroom 12:18 p.m.,
10 February 4, 2015.)

11 THE COURT: Any motions from the State?

12 MS. SHEALY: No, Your Honor.

13 THE COURT: Any motions from the defendant?

14 MR. SMITH: We will renew our motion for a directed
15 verdict, Your Honor, based on the same grounds ---

16 THE COURT: Okay. That motion is denied.

17 Can I see the attorneys up here just a second.

18 (WHEREUPON, a bench conference was had.)

19 THE COURT: We will take a five or ten minute recess.

20 (WHEREUPON, break was had at 12:21 p.m., February 4, 2015.)

21 (WHEREUPON, resumed 12:33 p.m., February 4, 2015.)

22 THE COURT: Please be seated.

23 MS. SHEALY: Can we approach?

24 (WHEREUPON, a bench conference was had.)

25 THE COURT: By agreement of the State and the defense

1 counsel, State's Exhibit Number 73 ---

2 MS. SHEALY: Is it 73 or 173?

3 THE COURT: One seventy-three is withdrawn. Is
4 withdrawn. And -- okay.

5 (WHEREUPON, Plaintiff Exhibit 173 was withdrawn by
6 agreement.)

7 (WHEREUPON, bench conference was had at 12:36 p.m.,
8 February 4, 2015.)

9 THE COURT: Solicitor, I understand there is a problem
10 with the sequestration?

11 MS. SHEALY: That is correct, Your Honor. The witness
12 that we intend to offer in reply is Joseph Grant, known as
13 Jodie Grant.

14 THE COURT: Well, let me ask y'all a question. Come up
15 here a second.

16 (WHEREUPON, a bench conference was had at 12:37 p.m.,
17 February 4, 2015.)

18 THE COURT: All right. I understand there's a problem
19 ~~about sequestration of a witness. Let me put on the record~~
20 that I don't think I have ever ordered the witness to be
21 sequestered; however, the parties did talk about it and
22 reached an agreement of who would stay in the courtroom and
23 who didn't stay in the courtroom. The parties have been
24 operating under that theory even though the court has never
25 put on the record the witnesses were sequestered. And that

1 was my mistake and my error.

2 And I will state for the record that the witnesses
3 should have been sequestered. I understand that there is
4 problem with the reply testimony.

5 MS. SHEALY: Yes, Your Honor, our witness that we
6 intent to call in reply is Joseph Grant, he goes by the
7 nickname Jodie Grant. My understanding, and it just came to
8 my attention during our break, that he actually walked in
9 during Mr. Wright's testimony.

10 The questions that I would -- the questions I asked of
11 Mr. Wright were based on what Mr. Grant had told me. I
12 anticipate his testimony being very brief.

13 THE COURT: What were the questions?

14 MS. SHEALY: Had Mr. Grant come to see him at the jail.

15 THE COURT: Oh, that is the one he said ---

16 MS. SHEALY: I messed up.

17 THE COURT: I messed up. And he ---

18 MS. SHEALY: I knew that from Mr. Grant.

19 THE COURT: Right.

20 MS. SHEALY: And that he put minutes on his phone.

21 THE COURT: So was he in the courtroom when that
22 testimony what was going on?

23 MS. SHEALY: I think he -- well, I don't know.

24 THE COURT: Okay.

25 MS. SHEALY: He was.

1 THE COURT: All right. And that was nobody saw him
2 come in; is that correct?

3 MS. SHEALY: That is correct. In fact when we -- when
4 we took our break I didn't know he was even here yet. We
5 were looking for him. I didn't realize he had been in the
6 courtroom.

7 But the questions that I elicited from Mr. Wright
8 regarding Mr. Grant were things that Mr. Grant told me prior
9 to today. So what I would be asking him in reply are just
10 the foundation of what I asked Mr. -- what I had when I
11 asked Mr. Wright about ---

12 THE COURT: That Mr. Wright denied?

13 MS. SHEALY: He denied saying ---

14 THE COURT: Saying I messed up?

15 MS. SHEALY: --- I messed up.

16 THE COURT: Right.

17 MS. SHEALY: He did not deny not telling him what
18 happened.

19 ~~THE COURT: Okay. All right. What is your objection?~~

20 MR. SMITH: Judge, we just believe -- and we certainly
21 don't think it is malicious, but our understanding was both
22 sides were operating under the assumption that all witnesses
23 would be sequestered.

24 He was obviously in here when the solicitor asked
25 questions of Mr. Wright and kind of has an idea about what

1 his testimony should be as a result.

2 THE COURT: All right. Let me ask you this. I think
3 in order to take action on sequestration that a witness had
4 to gain some tactical advantage or some advantage by being
5 in the courtroom. If all the State is going to bring out on
6 redirect is what Mr. Grant had told her previously how could
7 they gain an advantage or how -- what would be -- or how
8 would that cause you difficulty or problems? I guess that's
9 another question.

10 Now if she goes into some other areas that is a
11 different story but.

12 MR. SMITH: Right.

13 THE COURT: And I'm going to limit to her to what she
14 told -- what she already said.

15 MS. SHEALY: That's right. The only thing that I would
16 do prior to that is just the background and how we knew him,
17 but nothing that would -- he would have learned from
18 listening to Mr. Wright testify.

19 MR. SMITH: If it is limited to just what she
20 learned ---

21 THE COURT: Yeah, I'm going to limit to that because of
22 the sequestration problem, okay.

23 MR. SMITH: Okay.

24 THE COURT: And I think limiting to that I hope cures
25 the problem, okay. That's all I can tell you.

1 MR. SMITH: Okay. I think that would cure the problem.

2 THE COURT: I'm not going to let him come in here and
3 talk about anything else Mr. Wright said or did that he
4 heard, okay.

5 MR. SMITH: Okay. We are satisfied with that, Your
6 Honor.

7 THE COURT: All right. Your objection is overruled.

8 MR. SMITH: Thank you, Your Honor.

9 THE COURT: Anything else?

10 MS. SHEALY: No, other than maybe we should put on the
11 record regarding that one exhibit that we withdrew - I think
12 it is 173. Is that right?

13 We had originally had it marked as ID. I asked Mr.
14 Wright questions having not -- I did not read from the
15 letter at all when asking Mr. Wright questions. I limited
16 my questions to Mr. Wright regarding the nature of that
17 letter. And both Mr. Smith and I have agreed to withdraw
18 the letter itself.

19 ~~THE COURT: Okay. I will mark it as Court's Exhibit~~
20 whatever the next number is.

21 THE COURT REPORTER: Number 4.

22 THE COURT: Number 4.

23 (WHEREUPON, Court's Exhibit Number 4 was marked.)

24 THE COURT: All right. Anything else?

25 MS. SHEALY: No, sir.

1 MR. SMITH: No, Your Honor.

2 THE COURT: Are we ready to bring the jury?

3 MS. SHEALY: Yes, Your Honor.

4 THE COURT: All right. Bring the jury, please.

5 (WHEREUPON, the jury enters 12:45 p.m., February 7, 2015.)

6 THE BAILIFF: All jurors are present, Your Honor.

7 THE COURT: All right. Thank you very much. I
8 understand the State has some reply testimony; is that
9 correct?

10 MS. SHEALY: That is correct.

11 THE COURT: If you will call your first witness.

12 MS. SHEALY: Joseph Grant.

13 THE COURT: Mr. Grant, come around up front, please,
14 sir.

15 (WHEREUPON, the witness was duly sworn.)

16 THE CLERK: Just state your name into the microphone
17 and spell your last name for the record.

18 MR. WRIGHT: Joseph Grant, G-R-A-N-T.

19 **REPLY WITNESS - DIRECT EXAMINATION BY MS. SHEALY OF JOSEPH**
20 **GRANT:**

21 Q. Mr. Grant, if you would tell the jury a little bit
22 about yourself. What area of town do you live in?

23 A. Ravenel, South Carolina.

24 Q. And are you from South Carolina?

25 A. Yes, ma'am.

REPLY WITNESS - DIRECT EXAMINATION BY MS. SHEALY OF JOSEPH

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GRANT:

- 1 Q. What do you do for a living?
- 2 A. A construction worker, landscaper.
- 3 Q. And how long have you been doing that kind of work?
- 4 A. About 20 something years.
- 5 Q. And you were educated here in Columbia -- I mean
- 6 in - Columbia - in Charleston?
- 7 A. Yes, ma'am.
- 8 Q. Okay. How many children do you have?
- 9 A. Four.
- 10 Q. And do you know the defendant, the defendant Timmy
- 11 Wright?
- 12 A. I do.
- 13 Q. How long have you known him?
- 14 A. All my life.
- 15 Q. As adults were y'all hunting buddies?
- 16 A. Yes, that is my right-hand man, my partner, my brother
- 17 in Christ. He is my Timmy, you know.
- 18 Q. That was your Timmy?
- 19 A. That is my Timmy.
- 20 Q. And even though y'all would hunt together y'all
- 21 wouldn't talk much about your personal lives; is that
- 22 correct?
- 23 A. No, our personal lives is our personal lives.
- 24 Q. Y'all wouldn't talk about it with each other?
- 25 A. No, ma'am.

REPLY WITNESS - DIRECT EXAMINATION BY MS. SHEALY OF JOSEPH
GRANT:

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1 Q. When Mr. Wright got arrested did you go to the jail to
2 see him?

3 A. Yes, ma'am.

4 Q. And did you go with his mother to see him?

5 A. Yes, ma'am.

6 Q. And was that in early March of 2013, or do you
7 remember?

8 A. I don't know exactly when it was at.

9 Q. Was it not very long after he had been arrested?

10 A. Not very long after.

11 Q. And when you were there did you ask him what happened
12 that night?

13 A. I did.

14 Q. And what did he say?

15 A. He said I just messed up and shake his head. But he
16 never say any more about it.

17 Q. And you in fact put money in his canteen for him; ---

18 A. Yes, I did.

19 Q. --- is that correct? And you also were willing to pay
20 for some minutes so he could call your phone?

21 A. I did.

22 Q. And when he would do that would he make phone calls to
23 other people, ask you to hook him up with other people?

24 A. Well, he actually called a couple of people.

25 Q. Okay. Did you ever ask him again that night what

REPLY WITNESS - DIRECT EXAMINATION BY MS. SHEALY OF JOSEPH
GRANT:

1 happened?

2 A. I don't recall asking him again.

3 Q. So early on when you went with his mother and you asked
4 him, he indicated I messed up?

5 A. Yes.

6 Q. And he never told you on the other phone calls any
7 other details about what had happened?

8 A. No, he never did.

9 Q. I have no further questions.

10 THE COURT: Cross-examination.

11 MR. SMITH: No questions for this witness, Your Honor.

12 THE COURT: All right. Mr. Grant, you may step down.

13 Thank you very much.

14 Any reason Mr. Grant can't be excused?

15 MS. SHEALY: No, Your Honor, we ask that he be excused.

16 THE COURT: Mr. Grant, you may be excused if you so
17 choose. Otherwise, you are welcome to stay.

18 All right. Do you have any further reply testimony?

19 MS. SHEALY: No, Your Honor.

20 THE COURT: All right. Ladies and gentlemen of the
21 jury, all the testimony is in. As I told you at the
22 beginning of the trial the only thing left would be closing
23 arguments and the charge on the law after the attorneys have
24 made their closing arguments.

25 And we took a lunch order this morning, and hopefully

1 it is supposed to be at the courthouse right now. So we are
2 going to take a lunch break at this time.

3 Please don't discuss the case amongst yourselves.
4 After you finished lunch break, I'm not going to set a time
5 on it but don't -- take your time eating your lunch, but
6 once you -- we are not going to take an hour-and-a-half for
7 you to eat your sandwich, okay. So once you have a
8 reasonable time to eat your lunch we will proceed with the
9 closing arguments and the charge.

10 But please don't discuss the case until I instruct you
11 to discuss the case after the charge has been given by the
12 court. If you will go to the jury room. Hopefully the
13 bailiffs can bring lunch to you very shortly.

14 (WHEREUPON, the jury exited the courtroom 12:49 p.m.,
15 February 4, 2014.)

16 THE COURT: All right. We will adjourn and wait for
17 the jury to finish their lunch. I don't know how long that
18 is going to be. It is a quarter until 1:00. Why don't we
19 say plan on starting back at quarter to 2:00, an hour from
20 now. Does that give you enough time?

21 MS. SHEALY: An hour, is that what you said?

22 THE COURT: Yeah, will that give you enough time to get
23 ready for closing arguments?

24 MR. SMITH: I think it will.

25 MS. SHEALY: I think so, Your Honor.

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1 MR. SMITH: Judge, I do have at this point based on the
2 testimony today some additional requests to charge.

3 THE COURT: What is that?

4 MS. SHEALY: Should I hand that up to the court?

5 THE COURT: What -- yeah, why don't y'all come up here.
6 We are supposed to have an informal charge conference
7 anyhow. We will have that real quick. Charge conference.
8 (WHEREUPON, bench conference was had at 12:50 p.m.,
9 February 4, 2015, followed by lunch break.)
10 (WHEREUPON, bench conference resumed at 2:03 p.m.,
11 February 4, 2015.)

12 (WHEREUPON, the jury enters courtroom 2:06 p.m., February 4,
13 2015.)

14 THE BAILIFF: All jurors are present, Your Honor.

15 THE COURT: All right. Thank you so very much.
16 Solicitor.

17 MS. SHEALY: May it please the court.

18 **CLOSING BY MS. SHEALY:**

19 ~~I am going to speak to you just briefly about the law~~
20 and then Mr. Smith is going to make his closing argument and
21 then I will make my closing argument.

22 The judge when we finish our closing argument is going
23 to charge you on the law. And he is actually going to send
24 back with you what he reads aloud.

25 Mr. Wright is charged with murder. And so I need you

1 to listen carefully when Judge Nicholson defines what murder
2 is. The defendant is charged with murder and the State must
3 prove beyond a reasonable doubt that the defendant killed
4 another person with malice aforethought.

5 In it's popular sense the term malice conveys the
6 meaning of hatred, ill will, or hostility towards another.
7 That doesn't mean it had to last for a long time, but at the
8 moment of the killing.

9 In its legal sense, however, malice doesn't necessarily
10 mean ill will towards the individual injured, but signifies
11 a malignant recklessness for the lives and safeties of --
12 safety of others for a condition of the mind which shows a
13 heart fatally bent on mischief. Taking a loaded gun and
14 pointing it at a woman and shooting it.

15 Malice has been defined as the intentional doing of a
16 wrongful act towards another without legal justification or
17 excuse where the circumstances attending a killing show an
18 abandoned heart or malignant heart, no regard for her life,
19 no regard for her well-being.

20 Malice aforethought does not require that malice exists
21 for any particular time before the act is committed. He
22 didn't have to have it that morning. He didn't have to have
23 it early afternoon. He had to have it when he pulled the
24 trigger and shot her.

25 It does not require that malice exists for any

1 particular time before the act is committed, but malice must
2 exist in the mind of the defendant just before and at the
3 time of the act.

4 In other words malice may be conceived at the very
5 moment that the fatal blow was given, at the time that you
6 point the weapon and pull the trigger. Therefore, there
7 must be a combination of the evil intent and the act.

8 Malice aforethought may be expressed or inferred.
9 Expressed malice is shown when a person prepared beforehand
10 to do the act which was later accomplished. For example,

11 lying in wait for a person or any other acts of preparation
12 going to show that the deed was within the defendant's mind
13 would be expressed malice. Loading a shotgun, racking it,
14 pointing it, pulling the trigger.

15 Malice may be inferred from conduct showing a total
16 disregard for human life. Malice may be inferred when there
17 is no excuse or legal provocation for the killing. Malice
18 may be inferred from the brutal conduct on the part of the
19 ~~person committing the crime. Malice may be inferred from~~

20 conduct showing a total disregard for human life. Inferred
21 malice may also arise when the deed is done with a deadly
22 weapon. A shotgun.

23 A deadly weapon is any article, instrument, or
24 substance which is likely to cause death or great bodily
25 harm. The shotgun.

1 Whether an instrument has been used as a deadly weapon
2 depends on the facts and circumstances of each case. Here a
3 shotgun that was aimed and a trigger pulled and human life
4 lost.

5 I will address you again after Mr. Smith does. Thank
6 you.

7 THE COURT: Mr. Smith.

8 **CLOSING BY MR. SMITH:**

9 As lawyers we are trained to pull at your heartstrings.
10 That is what we are trained to do. We are trained to
11 influence you to make decisions based on your heart but not
12 necessarily with your mind.

13 When I got up here on Monday I told you this case was
14 going to be an emotional one. And it has been. You have
15 heard very emotional testimony throughout it. It is a
16 tragedy and deals with the death of a mother, the death of a
17 daughter, and the death of a friend.

18 I am not here to try to dissuade you or discourage you
19 from not feeling anything about that. These events were
20 tragic. And we are not here to try to make you think that
21 they weren't.

22 What I did tell you in addition to that on Monday was
23 that Timothy Wright, my client, was going to get up on that
24 witness stand and tell you exactly what happened that night,
25 how things happened and why he made the choices that he

1 made.

2 He didn't have to. He didn't have to get up there and
3 say a word. But he got up. He walked to that chair and put
4 his hand on the Bible and he raised it and he told you that
5 he was going to tell the truth and the whole truth to you.
6 And that's what he did.

7 Now in a few minutes the solicitor is going to get up
8 and she's going to paint Mr. Wright as being someone who
9 shot Melinda Ford with malice that night, that it was
10 cold-blooded, that that is what he very much intended to do.

11 But the facts just don't add up to that.

12 Think about some of the things that you heard
13 throughout the testimony. The testimony about the phone.
14 If there had been an intention to throw him out of the house
15 that day that somehow he was going to be moved on and moved
16 away what would Timothy Wright not have done? He wouldn't
17 have stopped by Boost Mobile. He wouldn't have purchased a
18 phone. And he wouldn't have given it to Mr. Ford's daughter
19 on that day.

20 Let's talk about the scene of the house. And I'm not
21 going to go through all of this testimony with you, so you
22 don't have to worry about that. But I think it is
23 important.

24 When they arrived home that evening Timothy -- Timothy
25 Wright was there. There is no question about that. He told

1 you he had been eating. He was eating in the bedroom.

2 And Kadasha got up and she said I don't really remember
3 talking to him; but then later she said, yeah, I do remember
4 getting a phone from him and getting a phone from him in the
5 kitchen.

6 That is kind of important because of the timing of when
7 that happens. It happens after she says she hears arguing
8 in the room between Timmy and her mother. It is important
9 because right after that she says I wasn't nervous about
10 that and I went back to my room.

11 This is all in the timeframe when she also said - and
12 even Timothy admitted to you - he said I'm done, I'm out of
13 here. She wasn't nervous. She traveled back to her room.

14 Think about the situation in the room itself. He had
15 the perfect opportunity to harm Ms. Ford if he wanted to in
16 that room. They were behind closed doors far enough away
17 that Kadasha said she couldn't hear anything. It was the
18 perfect opportunity to harm her if that's what he wanted to
19 do. Instead what he was doing was packing things up.

20 The crime scene showed you the photos, and you will
21 have those in the back to see again. But what you see is
22 one backpack, another bag sitting there to get whatever the
23 remainder was.

24 So what does Timothy do. He came out of the room and
25 said I'm done with this, begins to pack his things up, and

1 he takes the time to give her daughter a cell phone.

2 But let's think about what else is not really
3 consistent with Timothy Wright being a cold-blooded killer.
4 Right after the gun goes off he got up and he told you that
5 he ran over to Mrs. Ford. That fact is kind of undisputed.
6 Leonard Maxwell tells you at some point he sees Timothy
7 Wright over Melinda Ford and appears to be talking to her.
8 He can't hear what is being said, but that is what he told
9 you.

10 Kadasha told you at some point that she saw him over
11 her mother. She talks about two different scenarios, one
12 where we heard about her seeing him with a gun. Timothy
13 said that never happens, and I don't think it did. But she
14 also talks about him laying next to her mother and being on
15 the ground.

16 So what happens and why does he make the choices that
17 he does. When he walks over and he sees Melinda Ford on the
18 ground he begins to understand the gravity of the situation.

19 ~~You heard a lot of talk this afternoon about the timing~~
20 of things. And timing is important; because the decisions
21 that Timothy Wright made that day were not made within
22 minutes, hours, half hours to think about. We are talking
23 about a very short window and opportunity.

24 Think about what he did in that short amount of time.
25 He takes that gun. He tried to hand it to Kadasha and says

1 shoot me with this.

2 What does he do that. Because he is grief stricken.
3 He understands at that point. He had been over by Ms. Ford
4 and he understands the gravity of the situation and the
5 gravity of her wounds.

6 He told you, Mr. Wright told you this afternoon, when
7 he was thinking about shooting himself and ultimately shoots
8 himself for the first time, he said: I thought that is not
9 enough; I'm going to do it again.

10 And that's what he did. He pulled the trigger the
11 second time.

12 SLED agent got up and told you in order to shoot that
13 gun another time he would have had to pump it, get rid of
14 the round, and shot himself the second time. That shell
15 casing is left in that gun because he dropped it on the
16 ground after being hurt.

17 Now there is no question that Timothy Wright got up and
18 left. You can't argue with that. You saw the video.
19 There's no question about that. But again, we are not
20 arguing about whether he did that or not but why he did
21 that.

22 It is kind of a natural response. It is a natural
23 response in this sense: If you understand the gravity of
24 the situation and you get to a point where you are not
25 exactly sure what to do in your own mind and so if you think

1 back and think about childhood when you do something bad the
2 first idea is to kind of retreat and to get away from
3 whatever occurred.

4 That doesn't make it right, but it makes it more human
5 nature than what you would want to imagine. We all like to
6 think we would do the right thing and stay there, but I'm
7 not sure that that is true.

8 Think about one of the things and many of the things
9 that could be going through his mind. He is thinking about
10 the fact that this gun went off. And it didn't go off by

11 him holding it up, pointing at her, shooting at her; it went
12 off while he was carrying it out of the house trying to pull
13 up on the car handles and it gets caught on coat hangers or
14 something that is in that bag and the gun discharges.

15 Think about trying to explain that accident with
16 someone who is lying on the ground bleeding. It is not easy
17 to do. That is one of the reasons he decided to leave. He
18 knew the situation at Betsy Kerrison Parkway could have
19 gotten out of control very quickly.

20 The officers told you there were multiple people there.
21 Those people were very upset. They were very -- people
22 milling all about. And so he was afraid that there would be
23 further violence.

24 The solicitor suggested it was self preservation. That
25 may be a small part of it, but it is also so there was no

1 more violence that occurred there that night.

2 Let's talk about the pursuit just a minute. No
3 question about that. You all saw that. The car video was
4 there. Again, it is not a question of whether he did it
5 and -- or whether he didn't do it. He did get in his car.
6 He did leave the scene.

7 He wasn't sure what to do. Again, another decision
8 made in a short amount of time and very quickly. It didn't
9 lead to the most rational decision, but it led to the
10 decision that he took.

11 He told you and talked to you about going to his aunt's
12 house, a place that he felt save, a place that was very
13 nearby this park.

14 He couldn't get there. And so what did he do. He
15 get's out of the truck, goes through a wooded area, finds
16 refuge in a house that is abandoned and sitting there.

17 What can he see from where he is at? Crime scene
18 Investigator Kjellman got up and talked to you about what he
19 could see from his particular vantage point.

20 He told you he was in the front of the house at one
21 point looking out over the neighborhood and at another point
22 he is upstairs looking out over the ball field.

23 There's at least 20 units out there according to Deputy
24 Colburn. Maybe more, maybe a few less; but quite a few
25 cruisers, blue lights and those kinds of things.

1 He told you he was scared about what was going to
2 happen when he walked out there. Again, about -- a bit
3 about self preservation, but think about the situation that
4 he was in. He felt like he was going to be charged with
5 something that he felt he didn't do and that he didn't.

6 So what else would someone that was a cold-blooded
7 killer not do in this situation? He had the perfect hiding
8 spot. Think about that for a minute. He was in that house.
9 He was looking out over the ball field. He had the vantage
10 point of the neighborhood around him.

11 He didn't flee from that point. He waited there. He
12 watched. And when he saw that one cruiser, that is when he
13 decided to go back. That is not something that someone that
14 is running away from murder is going to do. He walked out
15 and he turned himself in.

16 The solicitor talked to you and made a point about
17 asking about his mental state. His mental state is not
18 really -- it is not a comprehensive exam about Timothy
19 ~~Wright and what he was thinking at the time, not about his~~
20 state of mind, but basically whether or not he could respond
21 to basic functions. And ultimately they said yes he could
22 do that. But there wasn't any further inquiry as to that.

23 The solicitor wanted to make the point about how
24 cooperative he was. What would a murderer not have to give
25 in that ambulance? You don't have to give your name. You

1 don't have to give your date of birth. You don't have to
2 talk to them about what type of medications you are own. It
3 would take them a long time maybe to figure out who you
4 were; because you weren't going to jail to be processed at
5 that point, you were going to the hospital. But he gave
6 them his name. He gave them his date of birth. And that's
7 really all they needed.

8 Let's talk again just for a second about the room and
9 what it shows us and as well as what the car shows us.
10 Think about this in two ways. First, if you are going to
11 intentionally kill somebody, murder someone, what is the one
12 thing you're not going to worry about doing? Packing up
13 your clothes. It doesn't make a whole lot of sense.

14 Think about this in another way. Think about if that
15 was your intention, what would you do. You would pack up
16 your clothes and you would take them all with you, make sure
17 everything was in that truck, and you would be on the run
18 immediately.

19 You will see in the photographs. And again, ones that
20 Investigator Kjellman took and some that Investigator Watson
21 took and you will see those black bags both in the house and
22 in the car.

23 What else would you do? You would try to cover your
24 tracks the best that you could. That is not what he did.
25 He went a short distance away and he waited until the right

1 time for himself to turn himself in, and that's exactly what
2 he did.

3 The scene is also important because it tells us about
4 what went on or didn't go on in the house. Investigator
5 Kjellman told you there weren't any struggles in the house.
6 She photographed it. That is one of the first things that
7 she does. And every crime scene is to see if there was any
8 type of struggle or anything in that house.

9 Why that is important is if you believe that there were
10 voices raised and there weren't any signs of anything more.

11 If you believe that Timothy Wright was trying to get out of
12 that house very quickly to get to Melinda Ford, there is
13 nothing strewn about, thrown about throughout that house and
14 nothing appeared to be disturbed.

15 Now we talked some about shell casings. We are not
16 arguing about shots. There were three shots. One hit Ms.
17 Ford. Two hit Timothy Wright. And those casings were
18 there.

19 ~~But think about this when you are thinking and~~
20 deliberating about this case. The positioning of those
21 shells isn't exactly as what we see in the photos. Those
22 shell casings were moved.

23 I'm not suggesting any type of strange or I guess
24 unlawful conduct on anyone's part. But what I am suggesting
25 is you have to understand that those shells -- the shells

1 had been moved two feet. And Investigators Kjellman said I
2 just can't -- you know, I can't tell you which one but I
3 know that I was told that one had been moved.

4 No question about the gunshot residue. We heard about
5 that. We also heard that there was -- can easily be a
6 transfer of gunshot residue. I think as the SLED analyst
7 put it, she said it is easily done; it is very delicate.

8 So think about the situations that could lead to that
9 gunshot residue. Timothy Wright told you at one point he
10 goes over and he picks Melinda Ford up. A chance for that
11 gun powder to transfer.

12 Kadasha tells you that she touched the gun at some
13 point. We are not talking about that. We are not arguing
14 that there was no gunshot residue there.

15 Today you heard from Timothy. He got the opportunity
16 to get on the stand and talk to you, to talk to you
17 directly. And he answered both my questions and the
18 solicitors.

19 There was a lot of discussion about timing. And I've
20 already touched on this a little bit. But the timing is
21 important.

22 It was a situation where nobody had a lot of time to
23 think. We are talking about minutes, seconds. This was a
24 traumatic event. This was a traumatic event for Mr. Wright.
25 Is was certainly a traumatic event for Ms. Ford and her

1 family. There's no question about that.

2 People process that type of traumatic event in
3 different ways. Some people see those events in a very slow
4 motion while others see it kind of speeded up. And so you
5 don't know how and why somebody makes the decisions that
6 they make.

7 There was a lot of discussion today from the solicitor
8 about why Timothy didn't tell anyone about this situation,
9 why he didn't say a word about it to anyone.

10 And he told you not only did the officers at the scene
11 tell him you don't have to say anything -- actually let me
12 back up. I think he said Detective Goldstein said you don't
13 have to say anything about this particular situation. That
14 is why he didn't tell anything about it. Don't let the
15 solicitor suggest something else to you.

16 He also told you he heard it on the jail phone. They
17 have a recording that says that over and over, and he told
18 you about that. And that's one of the reasons he elected
19 ~~not to call and not to say anything.~~

20 We heard about a phone call that he had about getting
21 out of this situation. What does that mean? What it means
22 is Timothy is charged with a crime he didn't commit and he
23 was standing in jail waiting for trial, and of course he
24 says I would like to get out of this situation. Nobody
25 wants to be in jail for any amount of time.

1 Why did he talk to this particular girl about marriage?
2 He says he probably overstated what he meant to her. But
3 the reality is she was someone that had been there for him
4 throughout his life not only at this time but at others.
5 And so he said to her the things that he said.

6 The same thing is true of Joseph Grant. That was the
7 last person we heard from today. Joseph Grant says Timmy
8 said oh, I messed up. Yeah, he said he messed up.

9 He messed up in a lot of ways. He didn't stay at the
10 scene. He ran from police. And he didn't turn himself in
11 and talk to them initially.

12 He's waited for a long time for his day in court. This
13 was two years ago. He sat in jail every day thinking about
14 this case. And during that time he has fought and talked
15 and discussed this case, but he didn't do it with any of
16 those friends ---

17 MS. SHEALY: Objection, Your Honor. May we approach?

18 THE COURT: Yes, ma'am.

19 (WHEREUPON, bench conference was had.)

20 RESUME CLOSING BY MR. SMITH:

21 One of the last people that you heard from in this
22 trial is Doctor Schandl. She was at the Medical University
23 of South Carolina. She talked to you about specifically
24 about kind of the range of fire in this case.

25 She told you that she could give you an estimate, three

1 to four feet, but that estimate was not exact, it was not an
2 exact science. She couldn't be completely sure unless she
3 could have the gun, to factor in the barrel length, to get
4 the exact type of ammunition, and test fire that same
5 weapon.

6 She said some guns hold a pattern longer, she just
7 can't tell you. What she can tell you a little bit is the
8 trajectory of that wound was slightly up and slightly to the
9 right. She said it could be from a person moving, but she
10 also said it could have been from the gun being lower than

11 where the gunshot was taken from -- or I'm sorry, the gun
12 being lower from where the gunshot wound was.

13 So if you think about that and think about what Timothy
14 testified to today and carrying that gun down here with bags
15 it makes sense that that trajectory is the one that those
16 projectiles took when they hit Ms. Ford.

17 Ladies and gentlemen, what I'm asking you to do is to
18 think this case through. It is a decision that each and
19 ~~every one of you have to make, and it has to be a unanimous~~
20 decision that you make.

21 I ask that you consider all the evidence, that you take
22 all the time that you need, and that you go through any
23 exhibit that you want to see and any testimony that you want
24 to hear you let the court know and that will happen.

25 I'm not going to go back through Mr. Wright's

1 testimony. There is no need to replay that and for me to
2 get up and tell you that again today. But if there is
3 anything that you don't understand about what he said,
4 please let us know and that will be played again.

5 I ask you to consider all the evidence, and after doing
6 so I am going to ask you to find Mr. Timothy Wright not
7 guilty of the crime of murder.

8 THE COURT: Solicitor.

9 MS. SHEALY: May it please the court.

10 **CLOSING BY MS. SHEALY:**

11 I don't think any of us need to revisit what Timothy
12 Wright said on the stand too much. Let there be no mistake,
13 I want you to make your decision based on your minds. There
14 is a lot to be sad about this case; grieving family members,
15 emotional 911 calls.

16 But I'm not asking that you set aside your ability to
17 use your good common sense, to use your life experiences,
18 and to use your mind in making this decision.

19 The reason Timothy Wright didn't tell his hunting buddy
20 there was an accident, didn't tell the mother of his
21 daughter, didn't tell his former coworker who came to see
22 him at least 15 times while he was in the jail, his former
23 girlfriend, or his own mother that it was an accident was
24 because it was not an accident. This is a case of murder.

25 Let's talk about what does not make any sense. When

1 Timothy Wright was answering the questions of his attorney
2 he never mentioned anything about the coat hangers causing
3 the gun to go off. He told me that when I was questioning
4 him. The coat hangers caused the death of Melina Ford?

5 Isn't it interesting that when he was describing what
6 happened he didn't go into much detail about where he was
7 exactly in relationship to her car and what side. No
8 details.

9 And he wants you to believe that this perfect shot
10 randomly occurred that day. He didn't even see Melinda, he
11 told you; I didn't know she had gotten shot.

12 We did Doctor Schandl tell you? That shotgun blast to
13 her back was from three to four feet away. His story is
14 preposterous. He saw Melinda Ford.

15 And I guess he wants us to believe that out by where
16 his truck had been -- and remember Kadasha tells us that
17 while she and her mother pulled around where he was parked.
18 That he is facing into the backyard, that his truck was
19 ~~parked facing outward back towards the street. He came in~~
20 today and wants y'all to believe it was turned the other way
21 around to concoct this story.

22 But along with those clothes they he packed in anger
23 was his ammunition bag. He didn't mention bringing that
24 in -- out from inside. And this ammo belt, with all his
25 understanding of hunting and how he wanted to tell you

1 everything he knew, the ammo bag -- the ammo belt, excuse
2 me, is outside of the bag.

3 He loaded that gun out on the ground beside his trunk.
4 You have seen the photographs. And he wants you to believe
5 that with three weapons in the house he chooses to take that
6 one. Doesn't load up all three but wants you to believe
7 that he just, hunter that he is, man with the knowledge of
8 guns, of hunting practices, of safeties on weapons, of the
9 need to unload a weapon, on that day takes that gun outside,
10 no safety on.

11 Loaded weapon in a house with a little boy that lives
12 there. We all know how little boys love guns. But he wants
13 you to believe that it just so happens that he who is
14 usually careful had a loaded shotgun in his house that he
15 was carrying. Baloney.

16 It does not make sense that once he recognized that
17 Melinda Ford - his story, if we entertained his story - is
18 on the ground, that he is not screaming with his lungs that
19 this is an accident, come help her, let's get her help.

20 Use your daily experience, your lifelong experience.
21 If you had accidentally caused the death of someone wouldn't
22 you do everything you could to get them help? Wouldn't you
23 tell everyone you saw, that is how it happened? It makes no
24 sense.

25 His initial reaction before all of the adrenaline calms